

**WSR 19-11-020**  
**WITHDRAWAL OF PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 (By the Code Reviser's Office)  
 [Filed May 7, 2019, 8:28 a.m.]

WAC 392-140-630, proposed by the superintendent of public instruction in WSR 18-21-185, appearing in issue 18-21 of the Washington State Register, which was distributed on November 7, 2018, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 19-11-056**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
 [Filed May 14, 2019, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-18-094.

Title of Rule and Other Identifying Information: WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services.

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 26, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by June 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising this section to remove outdated language and implementation provisions of SSB 5779 that promote integrated practice by removing nonessential limitations that restrict the scope and practice of behavioral health and primary care services, which include place-of-service restrictions for behavioral health providers.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, SSB 5779.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Rebecca Peters, P.O. Box 45530, Olympia, WA 98504-2716 [98504-5530], 360-725-1194.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The revisions to this rule do not impose additional compliance costs or requirements on providers.

May 14, 2019  
 Wendy Barcus  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-06-053, filed 2/24/16, effective 4/1/16)

**WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services.** (1) The mental health services covered in this section are different from the mental health services covered under (~~chapter 388-865 WAC;~~) community mental health and involuntary treatment programs (~~administered by the division of behavioral health and recovery within the department of social and health services~~) in chapter 182-538D WAC.

(2) Inpatient and outpatient mental health services not covered under chapter (~~388-865~~) 182-538D WAC(;) may be covered by the agency under this section.

**Inpatient mental health services**

(3) For hospital inpatient psychiatric admissions, providers must comply with chapter (~~388-865~~) 182-538D WAC.

(4) The agency covers professional inpatient mental health services as follows:

(a) When provided by a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner (ARNP), or psychiatric mental health nurse practitioner-board certified (PMHNP-BC);

(b) The agency pays only for the total time spent on direct psychiatric client care during each visit, including services provided when making rounds. The agency considers services provided during rounds to be direct client care services and may include, but are not limited to:

(i) Individual psychotherapy up to one hour;

(ii) Family/group therapy; or

(iii) Electroconvulsive therapy.

(c) One electroconvulsive therapy or narcosynthesis per client, per day, and only when performed by a psychiatrist.

**Outpatient mental health services**

(5) The agency covers outpatient mental health services when provided by the following licensed health care profes-

sionals who are eligible providers under chapter 182-502 WAC:

- (a) Psychiatrists;
  - (b) Psychologists;
  - (c) Psychiatric advanced registered nurse practitioners (ARNP);
  - (d) Psychiatric mental health nurse practitioners-board certified (PMHNP-BC);
  - (e) Mental health counselors;
  - (f) Independent clinical social workers;
  - (g) Advanced social workers; or
  - (h) Marriage and family therapists.
- (6) With the exception of licensed psychiatrists and psychologists, qualified health care professionals who treat clients age eighteen and younger must:

(a) Have a minimum of ((two years' experience in the diagnosis and treatment of clients age eighteen and younger, including one year of supervision by a mental health professional trained in child and family mental health)) one hundred actual hours of specialized study of child development and treatment and a minimum of one year of supervised experience in the diagnosis and treatment of clients age eighteen and younger; or

(b) Be working under supervision of a professional who meets these criteria.

(7) The agency does not limit the total number of outpatient mental health visits a licensed health care professional can provide.

(8) The agency evaluates a request for covered outpatient mental health services in excess of the limitations ~~((or restrictions))~~ in this section under WAC 182-501-0169. The agency covers outpatient mental health services with the following limitations:

(a) One psychiatric diagnostic evaluation, per provider, per client, per calendar year, unless significant change in the client's circumstances renders an additional evaluation medically necessary and is authorized by the agency.

~~(b) ((One individual or family/group psychotherapy visit, with or without the client, per day, per client.~~

~~(e)) One psychiatric medication management service, per client, per day, in an outpatient setting when performed by one of the following:~~

- ~~(i) Psychiatrist;~~
- ~~(ii) Psychiatric advanced registered nurse practitioner (ARNP); or~~
- ~~(iii) Psychiatric mental health nurse practitioner-board certified (PMHNP-BC).~~

~~(9) ((Clients enrolled in the alternative benefits plan (defined in WAC 182-500-0010) are eligible for outpatient mental health services when used as a habilitative service to treat a qualifying condition in accordance with WAC 182-545-400.~~

~~(10) Mental health services must be provided in the appropriate place of service. The provider is responsible for referring the client to the behavioral health organization (BHO) to assess whether the client meets the BHO access to care standards.~~

~~(11) If anytime during treatment the provider suspects the client meets the BHO access to care standards, an assessment must be conducted. This assessment may be completed~~

~~by either a health care professional listed in subsection (5) of this section or a representative of the BHO.~~

~~(12) After the client completes fifteen outpatient mental health visits under this benefit, the agency may request a written attestation that the client has been assessed for meeting access to care standards. This written attestation verifies the mental health services are being provided in the appropriate place of service. The treating provider must respond to this request.~~

~~(13) To support continuity of care, the client may continue under the care of the provider until a BHO can receive the client.~~

~~(14) To be paid)) To receive payment for providing mental health services, providers must bill the agency using the agency's published billing instructions.~~

~~((15) The agency considers a provider's acceptance of multiple payments for the same client for the same service on the same date to be a duplication of payment. Duplicative payments may be recouped by the agency under WAC 182-502-0230. Providers must keep documentation identifying the type of service provided and the contract or agreement under which it is provided.))~~

## WSR 19-11-059

### PROPOSED RULES

### DEPARTMENT OF

### CHILDREN, YOUTH, AND FAMILIES

[Filed May 14, 2019, 12:53 p.m.]

Original Notice.

Proposal is exempt under RCW 34-05-310 (4)(b).

Title of Rule and Other Identifying Information: WAC 110-50-0490 How often do the foster parent and social worker meet to complete the rate assessment?, 110-50-0550 How does a foster parent seek a department review of the rate assessment?, 110-50-0560 What does the department consider in reviewing the request?, and 110-50-0720 What payment procedures must the department follow for children placed across state borders?

Hearing Location(s): On June 26, 2019, at 1:00 p.m., at 1110 Jefferson Street S.E., Baker Conference Room, Olympia, WA.

Date of Intended Adoption: August 1, 2019.

Submit Written Comments to: Department of Children, Youth, and Families (DCYF), Rules Coordinator, P.O. Box 40975, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), fax 360-902-7903, submit comments online at <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by June 26, 2019.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-902-7956, fax 360-902-7903, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), by June 17, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These WAC are being amended to clarify foster care rate assessment and review processes, allow variations to (1) the rate assessment process, and (2) foster care payment practices for children placed in care outside of Washington state when necessary to

serve the best interests of children in care, eliminate the request for rate assessment review extension period, and make technical corrections necessary following the decodification of these sections from Title 388 WAC and their recodification to Title 110 WAC.

Reasons Supporting Proposal: The proposed, modest changes will better serve the children in care and align with current practice.

Statutory Authority for Adoption: RCW 74.13.031, chapter 74.30 RCW.

Statute Being Implemented: RCW 74.13.031.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Tarassa Froberg, Olympia, Washington, 360-902-7568; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5)(a)(i). DCYF does not voluntarily make that section applicable to the adoption of the proposed rules.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 14, 2019  
Brenda Villarreal  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-50-0490 How often do the foster parent and ~~((social worker)) caseworker~~ meet to complete the rate assessment?** The ~~((social worker)) caseworker~~ or designated rate assessment specialist will meet with the foster parent in person or telephonically to complete the assessment:

(1) Within thirty days of the child's placement in the foster parent's home;

(2) At least every six months after the first assessment, except under limited circumstances that serve the best interests of the child; and

(3) When there is a significant change in circumstances for the child or in the foster parent's ability or time required to meet the child's needs.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-50-0550 How does a foster parent seek a department review of the rate assessment?** (1) The foster parent must make a written request for department review of the assessment.

(2) The request must be received by ~~((CA))~~ the department within twenty calendar days of the date of the letter informing the foster parent of the rate assessed for the child. If a request is not made within twenty days, the department will not review the assessment.

~~((a) The department may grant a twenty-day extension of time for filing the request for review, if the foster parent has contacted a regional foster parent liaison within the initial twenty-day time period and asked for assistance in informally resolving any disagreement as to the rate assessed.~~

~~((b) The department has the discretion and may grant a twenty-day extension for good cause.))~~

(3) The request must include a statement explaining why the foster parent believes the assessed rate is incorrect. The foster parent may provide additional information ~~((that he or she believes is))~~ relevant to the questions asked on the foster care rate assessment standardized form.

(4) The request must be sent to the individual and address identified in the letter informing the foster parent of the rate assessed for the child.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-50-0560 What does the department consider in reviewing the request?** (1) The review will be conducted by department management level staff, or ~~((by a))~~ designee who ~~((was not involved in))~~ has not previously administered the rate assessment ~~((process))~~ tool for the foster parent requesting review.

(2) The review will be conducted within ten days of receiving the request for review.

(3) The reviewer will consider:

(a) Whether the foster parent and the ~~((social worker)) caseworker~~ or designated rate assessment specialist met in person or telephonically to jointly complete the standardized assessment form;

(b) Whether the information obtained through the conversation between the ~~((social worker)) caseworker~~ or rate assessment specialist and the foster parent was accurately recorded on the form;

(c) Whether any additional information provided by the foster parent, as authorized in WAC ~~((388-25-0060(3)))~~ 110-50-0550(3) is relevant to the automated assessment;

(d) Whether the information was accurately entered into the computer program; and

(e) Whether the computer program was properly functioning in calculating the rate and providing the written report of the assessment.

(4) The department will not consider information about the child or the foster family that is outside the standardized assessment form and will not alter the computerized calculation that is based on a properly completed form.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-50-0720 What payment procedures must the department follow for children placed across state borders?** (1) When the department places a child into a new placement with a family residing and licensed in another

state, the (~~DCFS social worker~~) DCYF caseworker must obtain the payment rates from that state. Following receipt of the other state's rates, the department will pay that state's rates, unless paying Washington state rates is in the best interests of the child.

(2) The (~~children's administration~~) department's interstate compact on placement of children (ICPC) program manager must approve out-of-state placement before the department makes payment for foster care.

**WSR 19-11-060**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed May 15, 2019, 8:46 a.m.]

The department of fish and wildlife requests the withdrawal of the proposal filed under WSR 19-03-142 on January 22, 2019.

If you have any questions concerning this withdrawal, please contact Scott Bird at 360-902-2403.

Scott Bird  
Rules Coordinator

**WSR 19-11-062**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed May 15, 2019, 9:33 a.m.]

Supplemental notice to WSR 18-19-108.

Preproposal statement of inquiry was filed as WSR 18-05-022

Title of Rule and Other Identifying Information: The department is proposing to create new sections and amend existing sections within chapter 388-112A WAC, Residential long-term care services training. These sections provide training and certification requirements for long-term care workers in residential settings, along with instructor and curricula standards.

Hearing Location(s): On July 9, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than July 10, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m., July 9, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax

360-664-6185, TTY 711 relay service, email [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov), by June 25, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend chapter 388-112A WAC, Residential long-term care services training. The proposed rules include the following changes:

- WAC 388-112A-0010 contains technical corrections and adds a definition for special needs.
- WAC 388-112A-0050, 388-112A-0060, 388-112A-0070, and 388-112A-0090 contain technical corrections on identifying qualifying credential for exemption.
- WAC 388-112A-0125 is a new section added to clarify employment and training records that caregivers should provide and employers review prior to hire.
- WAC 388-112A-0490 and 388-112A-0495 correct language to be consistent with statutory requirements in RCW 70.128.230 and 18.20.270.
- WAC 388-112A-0590 clarifies when training may be applied to the seventy hour long-term care worker basic training.
- WAC 388-112A-0600 renumbers provisions for clarity.
- WAC 388-112A-0610, new WAC 388-112A-0611 and 388-112A-0612 clarify continuing education requirements, who needs to complete it each year, how many hours are required, and corresponding deadlines including for caregiver hires who return after a break in service. For the adult family subsection, the rule also clarifies continuing education requirements for safe food handling to match the requirement under RCW 70.128.250.
- WAC 388-112A-1020 clarifies training preapproval and online requirements.
- WAC 388-112A-1240, 388-112A-1270, and 388-112A-1285 contain technical corrections to clarify instructor qualifications.

Reasons Supporting Proposal: These changes are necessary to clarify caregiver training and certification requirements, and training program requirements.

Statutory Authority for Adoption: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.341, 18.20.270, 18.88B.-021, 18.88B.035, 70.128.230, 71A.12.030, 70.97.080.

Statute Being Implemented: RCW 74.39A.074, 18.88B.-021.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Grace Kiboneka, 4450 10th Avenue S.E., Lacey, WA 98503, 360-725-2558; Implementation and Enforcement: Christine Morris, 4450 10th Avenue S.E., Lacey, WA 98503, 360-725-2549.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5310 [98504-5600], phone 360-725-2495, fax 360-725-2646, TTY 1-800-833-6388, email [suliva@dshs.wa.gov](mailto:suliva@dshs.wa.gov).



The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These proposed rules impact adult family homes, assisted living facilities, enhanced services facilities, and community instructor training programs. These businesses fall under the following North American Industry Classification System (NAICS) designations:

- Residential mental health facilities - NACIS [NAICS] code 6232.
- Residential developmental disabilities homes - NACIS [NAICS] codes 62321, 623210.
- Other residential care facilities - NACIS [NAICS] codes 6239, 62399, 623990.
- Continuing care, assisted living facilities - NAICS code 6233, 62331, 623311, 623312.
- Technical and trade schools - NAICS code 61151.

DSHS aging and long-term support administration has analyzed the proposed rule amendments and has determined that the listed small businesses may be impacted by these changes. However, the department estimates that the costs are "minor" as that term is defined in RCW 19.85.030.

A copy of the detailed cost calculations may be obtained by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5310 [98504-5600], phone 360-725-2495, fax 360-725-2646, TTY 1-800-833-6388, email [suliva@dshs.wa.gov](mailto:suliva@dshs.wa.gov).

May 8, 2019  
Katherine I. Vasquez  
Rules Coordinator

**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 19-12 issue of the Register.

**WSR 19-11-066**  
**PROPOSED RULES**  
**OLYMPIC REGION**  
**CLEAN AIR AGENCY**  
[Filed May 15, 2019, 2:44 p.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141.

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency Regulations: Rules 6.1 Notice of Construction Required, 6.1.10 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source, and 8.12 Gasoline Stations - Applicability.

Hearing Location(s): On July 10, 2019, at 10:00 a.m., at the Olympic Region Clean Air Agency (ORCAA), 2940 Limited Lane N.W., Olympia, WA 98502.

Date of Intended Adoption: July 10, 2019.

Submit Written Comments to: Lauren Whybrew, 2940 Limited Lane N.W., Olympia, WA 98502, email [lauren.whybrew@orcaa.org](mailto:lauren.whybrew@orcaa.org), fax 360-491-6308, by July 8, 2019.

Assistance for Persons with Disabilities: Contact Dan Nelson, phone 360-539-7610 extension 111, fax 360-491-6308, email [dan.nelson@orcaa.org](mailto:dan.nelson@orcaa.org), by July 1, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to create a streamlined permitting process for qualifying gasoline dispensing facilities by implementing a notification system in lieu of a notice of construction (NOC). Rule 8.12 was revised to include relevant requirements for proper operation, maintenance, testing, and recordkeeping for gasoline dispensing facilities. Additional changes include, but are not limited to, an exemption from new source review (NSR) for gasoline dispensing facilities with a cumulative gasoline storage capacity of less than ten thousand gallons. Rule 6.1.10 was edited to align with ORCAA Rule 6.1 to further clarify NSR requirements for existing stationary sources proposing to replace or substantially alter control technology. Other revisions include grammatical edits to clarify the language.

Reasons Supporting Proposal: The proposal will lessen industry and staff resources spent on gas station NOC reviews and will clearly outline the requirements for gas station owners, operators, and relevant third-party vendors. The proposed language will also help align ORCAA regulations with applicable state and federal regulations for gas stations.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: ORCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Lauren Whybrew, 2940 Limited Lane N.W., Olympia, 360-539-7610; Implementation and Enforcement: Francea L. McNair, 2940 Limited Lane N.W., Olympia, 360-539-7610.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies per RCW 70.94.141.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70.94.141.

Explanation of exemptions: Chapter 19.85 RCW applies to "rules adopted by state agencies." RCW 70.94.141(1) states: "An air pollution control authority shall not be deemed to be a state agency." The Olympic Region Clean Air Agency is an air pollution control authority.

May 15, 2019  
Francea L. McNair  
Executive Director

**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 19-12 issue of the Register.

**WSR 19-11-068**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
[Filed May 16, 2019, 12:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-05-017.

Title of Rule and Other Identifying Information: WAC 182-552-0450 Mandibular advancement device.

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 26, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by June 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is adding coverage limits for mandibular advancement devices.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Joan Chappell, P.O. Box 45510, Olympia, WA 98504-2716 [98504-5510], 360-725-1071.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule making does not impose any additional cost[s] or requirements on providers.

May 16, 2019  
Wendy Barcus  
Rules Coordinator

#### NEW SECTION

**WAC 182-552-0450 Mandibular advancement device.** The agency covers the purchase of a mandibular advancement device for a client when the provider determines that the use of a continuous positive airway pressure (CPAP) device is medically contraindicated or the client cannot medically tolerate a CPAP device. Prior authorization is required for all eligible clients.

(1) The agency considers a mandibular advancement device to be medical equipment subject to the same billing requirements, restrictions, and limitations as other medical equipment according to chapter 182-543 WAC.

(2) For clients:

(a) Age twenty and younger, if this device is recommended during the early and periodic screening, diagnosis, and treatment (EPSDT) exam and then ordered by a provider, the agency evaluates the health care service according to WAC 182-534-0100.

(b) Age twenty-one and older who have natural dentition, the agency pays for one custom-made mandibular advancement device every five years. The client must:

(i) Complete a face-to-face evaluation with a sleep medicine physician in an agency-designated center of excellence (COE) prior to sleep testing;

(ii) Be diagnosed with obstructive sleep apnea (OSA) using a clinical evaluation and positive attended polysomnogram (PSG); and

(iii) Either meet the sleep testing criteria described in WAC 182-552-0400 or score above thirty on the apnea-hypopnea index (AHI) or respiratory disturbance index (RDI).

(3) The provider must keep the following in the client's record:

(a) Documentation of a CPAP trial lasting at least six consecutive months; and

(b) A description of why CPAP failed or an explanation of why CPAP is not the appropriate treatment.

(4) The mandibular advancement device must be titrated by a licensed provider who has documented experience in titrating these devices.

(5) The mandibular advancement device must be provided and billed by a licensed dentist who:

(a) Holds a certification in dental sleep medicine from the American Board of Dental Sleep Medicine (ABDSM); or

(b) Is the dental director of a dental sleep medicine facility accredited by the ABDSM; or

(c) Has completed agency-recognized continuing education in dental sleep medicine provided by the ABDSM or a comparable organization within the two years prior to ordering the mandibular advancement device.

#### **WSR 19-11-073**

#### **PROPOSED RULES**

#### **BUILDING CODE COUNCIL**

[Filed May 16, 2019, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-085.

Title of Rule and Other Identifying Information: Chapter 51-11C WAC, Adoption and amendment of the 2018 Washington State Energy Code, Commercial.

Hearing Location(s): On July 12, 2019, at 10 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Doug Orth, Council Chair, P.O. Box 41449, Olympia, WA 98504-1449, email sbcc@des.wa.gov, by July 12, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebe@des.wa.gov, by July 1, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update from the 2015 edition of the Washington State Energy Code (WSEC) to the 2018 edition, incorporating changes from the 2018 International Energy Conservation Code and those code changes submitted to increase energy savings and provide better clarity.

Below are highlights of the significant changes in the 2018 WSEC. A complete description of all changes can be found at <https://fortress.wa.gov/es/apps/sbcc/File.ashx?cid=8371>.

Please note that Sections C402.1.5, C404.6, C503 and C505 are not in numerical order and can be found at the end of the filing document.

**Section C303.1.5:** Default table and associated equations and specifications for curtain wall and spandrel panels is added from the Seattle Energy Code.

**Throughout Chapter 4:** Exceptions previously provided for site-recovered or site-renewable energy were removed as they have become a more integral part of the code and satisfy an option in Section C406.

**Section C402.1.1.3 Greenhouses.** A new section is added to define exactly when a greenhouse is exempt from the envelope requirements of WSEC.

**Table C402.4 Building envelope fenestration maximum U-factor and SHGC requirements.** This table was revised to include Class AW windows for curtain wall systems and similar fenestration. All other metal windows will now be included in the same category as nonmetal windows and will need to meet those U-factors.

**Section C402.4.1.1 Increased vertical fenestration area with daylight responsive controls.** This section was revised to require fifty percent of the conditioned floor area to be within a daylight zone regardless of building height.

**Section C402.5.1.2 Building test/air infiltration.** The allowable air leakage rate was reduced to 0.25 cfm per square foot, and the building is required to meet this threshold without exception. A correlated change was made to Section C406.9 to lower the infiltration rate in the additional energy credit section to [to] 0.17 cfm per square foot.

**Section C402.5.6 Loading dock weatherseals.** The code now specifically requires that loading dock doors provide weatherseals that provide direct contact with the top and sides of vehicles.

**Section C403** of the 2018 International Energy Conservation Code was **extensive[ly] reorganized** to be easier to use, reduce redundancies and be more specific to equipment type. Most of this language is marked as a change, but the language itself has not changed in most cases - just the location. These changes are reflected in the 2018 WSEC. For a crosswalk of this change, see <https://fortress.wa.gov/es/apps/sbcc/File.ashx?cid=8370>.

**Section C403.1.1 HVAC total system performance ratio (HVAC TSPR).** A new requirement is added for those

buildings required to comply with the DOAS section. This section, along with new Appendix D, compares the intended mechanical system against a prototype system to ensure a baseline efficiency is met. PNNL is expected to release a tool to perform the calculations; however, the appendix provides all inputs for alternate computer modeling to be used.

**Section C403.1.3 Data centers.** This section sets ASHRAE standard 130, with some modifications, as the standard for data centers.

**Section C403.4.1.6 Door switches for HVAC thermostatic control.** A new section was added to limit energy loss when doors to the outside are left open, based on a California requirement.

**Section C403.4.2.3 Automatic start and stop.** This section now adds requirements for automatic stop controls for HVAC systems.

**Sections C403.4.2.4 Exhaust system off-hour controls, and C403.4.2.5 Transfer and destratification fan system off-hour controls.** New sections for off-hour scheduling for fan systems.

**Section C403.4.7.1 Combustion decorative appliance controls.** This section introduces requirements to shut down combustion appliances and combustion fireplaces and fire pits when the space is unoccupied.

**Section C403.9.8 Heat recovery for space heating.** New section to require heat recovery chillers where projects have a consistent heat sink for heat rejection.

**Section C403.12 High efficiency single-zone variable air volume (VAV) systems.** A new section for single zone VAV systems was added.

**Section C405.2.4 Daylighting.** New terms are introduced, sidelit and toplit.

**Table C405.4.2 Lighting power allowance.** There are three different options up for public comment. Option 1 provides an estimated 4.5 percent energy savings over the current code. Option 2 provides an estimated nine percent savings. Option 3 is estimated to be a fifteen percent savings.

**Section C405.5 Exterior lighting power allowance.** The exterior lighting section has been reformatted to more closely resemble the interior lighting section.

**Section C406 Efficiency packages.** This section was reorganized to provide table of options with assigned points and indications of which occupancy types those options would apply to.

**Section C407 Total building performance.** This section now sends you to ASHRAE 90.1 Appendix G for performance-based compliance. A new table was added to reference all mandatory measures applicable to this path. The performance metric was switched to carbon emissions. A limit was also set on envelope reductions.

**Section C409 Energy metering.** Section C409.1 adds end use metering requirements for on-site renewable energy and electric vehicle charging stations. The requirements for on-site systems is also further clarified in C409.2.4. Section C409.1.3 adds a pointer to other code sections with metering requirements for dwelling units. Section C409.3 adds an exemption for minor loads and some health care facility loads, as well as electrical circuits serving only sleeping units. Section C409.3 also adds additional end use metering requirements for lighting systems, plug loads and process

loads. Some tenant spaces comprising the majority of a floor must have metering data available to the tenant. Section C409.4.3 details changes on the display and reporting of data.

**Section C410 Refrigeration systems.** Tables are updated to the latest federal requirements.

**Section C411 Solar readiness.** Requires forty percent of net roof area to be minimally prepared for future installation of solar PV arrays, and for space to be provided near the electrical service entry for future equipment.

**Chapter 5, Existing buildings.** Clarifications and editorial changes to enhance understanding and compliance. The existing building economizer table was updated.

**Two new appendix chapters are proposed:**

1. **Appendix D: HVAC TSPR.** A new requirement is added for those buildings required to comply with the DOAS section. New Section C403.1.1, along with new Appendix D, compares the intended mechanical system against a prototype system to ensure a baseline efficiency is met.

2. **Appendix F: Outcome-based energy budget.** This is an optional appendix that jurisdictions may adopt to provide an alternate outcome-based energy budget compliance option.

Reasons Supporting Proposal: The proposal helps increase energy efficiency towards the goals in RCW 19.27A.160 and Executive Order 16-07 and provides additional clarity in regulations to assist both builders and enforcers.

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.025, 19.27A.160.

Statute Being Implemented: Chapters 19.27A, 19.27 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: In addition to comments on all of the proposed changes, the Washington state building code council (council) is looking for testimony and guidance on **Table C405.4.2 Lighting power allowance.** There are three different options proposed for public comment. Option 1 provides an estimated 4.5 percent energy savings over the current code. Option 2 provides an estimated nine percent savings. Option 3 is estimated to be a fifteen percent savings.

Name of Proponent: Council and various stakeholders, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, 1500 Jefferson [Street] S.E., P.O. Box 41449, Olympia, WA, 360-407-9278; and Enforcement: Local jurisdictions.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Richard Brown, 1500 Jefferson [Street] S.E., P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9277, email Richard.Brown@des.wa.gov.

The proposed rule does impose more-than-minor costs on businesses.

There are costs imposed by the proposed rules but the costs do not fall disproportionately on small businesses.

These rules will not affect the distribution of impacted work, whether by small businesses or not, doing the work. The rules do not impact employment, reporting or recordkeeping.

**Description:** The council is filing a proposed rule to adopt the updated 2015 edition of the International Energy Conservation Code with state amendments, known as the 2015 WSEC: Chapters 51-11R and 51-11C WAC. Since 1985 the council has been responsible to update to new editions of the building code per RCW 19.27.074.

The administrative compliance requirements are under the authority of the local government. RCW 19.27.050, Enforcement activities including permit issuance, plan review and approval, and inspections occur at the local level. Requirements for construction document submittal and other reporting requirements are determined by the local jurisdiction and are consistent with previously established policies. The proposed amendments to chapter 51-51 WAC include specific technical requirements for building construction to be consistent with national standards.

WSEC is updated every three years by the council. The code development process conducted by the model code organization is open to all interest groups within the design and construction industry and from governmental organizations. See [www.iccsafe.org](http://www.iccsafe.org) for more information about the model code development process.

**Professional Services:** Washington has had a statewide building code in effect since 1974. The local enforcement authority having jurisdiction administers the codes through the building and/or fire departments. Administrative procedures for state building code compliance are established and will not be changed by the adoption of the update to the current building codes. Small businesses will employ the same types of professional services for the design and construction of buildings and systems to comply with the state building code.

The proposed rule updates the state building code and does not require additional equipment, supplies, labor or other services. Services needed to comply with the building code are existing within the construction industry as required by the local authority having jurisdiction.

**Costs of Compliance for Businesses:** The council accepts proposals to amend WSEC to meet the legislative goals. The statewide code amendment proposal process is defined in chapter 51-04 WAC and the council bylaws. Proposals must increase the energy efficiency in buildings. Each proponent must identify where a proposed amendment has an economic impact and must quantify costs. The council developed a specific set of forms for WSEC, so proponents could identify where a proposed amendment was editorial, technical or a policy change.

The council received one hundred seventy-one proposals to improve WSEC. The Energy Code technical advisory group (TAG) recommended approval of one hundred twenty-four amendments as submitted or as modified. Twenty-one proposed amendments were identified by TAG as having a significant cost.

The Energy Code TAG and the council economic workgroup determined there is a cost for compliance on businesses for the following proposed state amendments. The

council recommended filing the proposed rule to allow input through the public hearing process.

1. WSEC C402.1.1, C402.1.1.1, and C402.1.1.3 Low energy buildings, and semi-heated buildings and greenhouses (Proposal Env013-2018 Revised 6/15/18): **Savings:** Creates a new compliance path and defines nonopaque thermal envelope requirements. The primary economic impact is a significant reduction in energy consumption through the use of increased envelope insulation. Predicts an annual energy savings of 375 KBTU/square foot.

2. WSEC Table C402.4 Semi-heated buildings and spaces (Proposal Env035-2018): Window requirements are recategorized to reflect window construction. This will reduce the energy use from multifamily [dwelling units] by requiring more efficient windows for punched window openings (typically installed in multifamily dwelling units). Predicts a utility bill reduction of \$0.06/square foot. Total cost difference of windows/square foot of project (33,700 sq.ft.) = \$0.06 incremental cost increase. Predicted annual energy savings is 0.004 KWH/square foot.

3. WSEC C402.1.1.1 Increased vertical fenestration area with daylight responsive controls (Proposal Env038-2018 Revised 7/13/18): **Savings[:]** The fraction of floor area required to be in daylight zones is increased. The cost of this proposal depends upon fixture makeup. Projects using significant amounts of track lighting may see, or wall sconce fixtures will need to purchase slightly more efficient fixtures. The savings from this proposal will be modest. Reducing the number of projects needing to document the net floor area and the dlz to net floor area fraction should decrease plan review time.

4. WSEC C402.5.1.2, C403.2.2.1, and C406.9 - C402.5.1.2 Building Test, C403.2.2.1 Ventilation - Group R-2, and C406.9 Reduced Air Infiltration (Proposal Env046-2018 Revised 7/13/18): Addresses improvements for building enclosure quality and durability along with providing balanced mechanical ventilation with heat recovery to multifamily living units reducing overall building energy use, annual heating demand, and peak heating load - all combining to reduce heating equipment sizes while delivering improved thermal comfort. Also cost-effectively provides balanced ventilation with filtered outdoor air delivered to living spaces, a substantial health and well-being benefit to occupants and tenants. Modeling a four story multifamily structure there is an estimated nineteen percent reduction in building energy use, forty-seven percent reduction in annual heating demand, and thirty-seven percent reduction in peak heating load. For the C406 option there is a predicted twenty-four percent reduction in building energy use, sixty-one percent reduction in annual heating demand, and fifty-two percent reduction in peak heating load. The ten story multifamily model yielded a twenty-three percent reduction in building energy use, fifty-three percent reduction in annual heating demand, and reduction in peak heating load. The C406 option yielded thirty-one percent reduction in building energy use, seventy percent reduction in heating demand, and fifty-seven percent reduction in peak heating load. For a medium size office building baseline model with 33 EUI, modeling results are a fifteen percent reduction in building energy use, twenty-

eight percent reduction in annual heating demand, and twenty-eight percent reduction in peak heating demand. The C406 models a twenty-three percent reduction in building energy use, forty-two percent reduction in annual heating demand, and forty-four percent reduction in peak heating load.

5. WSEC Definitions, C403.1.1, TABLE C407.2, C406.2, Appendix E - Total system performance ratio, MANDATORY COMPLIANCE MEASURES FOR HVAC TOTAL BUILDING PERFORMANCE METHOD, More efficient HVAC equipment and fan performance, Appendix E Calculation of HVAC Total System Performance Ratio (Proposal EM050-2018 Modified 8/10/18 [8/10/18]): Requires a more efficient HVAC system that will reduce life cycle costs for owners or tenants of retail buildings, schools, and office buildings. The exact economic impact will vary based on building type and selected HVAC systems. As an example, when a stand-alone retail store designed with standard efficiency air source heat pumps with economizers, DOAS, and high efficiency sensible energy recovery is compared to the same building with a baseline system consisting of a standard efficiency gas furnace without economizer, DOAS, and minimum efficiency sensible energy recovery the estimate of the construction cost is \$0.16/square foot. Code official might need to spend 0.5 to 1.5 hours reviewing the submitted material. Potentially less once familiar with the process.

1. WSEC C403.4.2.3 - Automatic start and stop (Proposal EM070-2018 Revised 7/27/18): Requires automatic stop in addition to automatic start to further reduce overall HVAC energy use by adding a control scheme to further reduce heating and cooling energy as the building enters the unoccupied period. Reduces energy consumption with existing building controls. Estimated construction cost is \$0.000375/square foot. Estimated annual energy savings is 0.313 KWH/square foot. No significant additional review time expected.

2. WSEC C403.4.7.1 - Decorative vented appliance and fire pit controls (Proposal EM075-2018 Revised 7/27/18): Adds an end use metering category for electric vehicle charging stations. Owners will better understand energy for transportation used and for renewable energy created on their building sites. Some type of switch is already required. This is just a slightly more expensive switch: ~\$25-50 per appliance. Estimated annual energy savings is KWH/square foot or KBTU/square foot depends on usage. No additional time is anticipated for compliance review and inspection.

3. WSEC C403.7.9 - Shutoff dampers (Proposal EM091-2018 Revised 8/3/18): **Savings[:]** Does not require motorized dampers on small exhaust fans or systems intended for continuous operation. For a 6" exhaust system saves \$138.69 without accounting for additional control requirements.

4. WSEC C403.8.4 - Group R occupancy exhaust fan efficacy (Proposal EM097-2018). Requires that exhaust fans installed in mid- to high-rise residential [buildings] comply with minimum fan efficacy requirements and updates the requirements to the latest Energy Star requirement (Version 4.0). Using conservative fan efficacy values results in an energy savings of 0.067 KWH/square foot. No additional plan review or inspection time is required.

5. WSEC Table C403.8.5.1 - Fan control (Proposal EM098-2018): Requires smaller fans in DX cooling systems to have two speed fan control. Uses commonly available fan controls for a wider range of cooling unit fans. Savings = 700 KWH/Yr or \$70/Yr at \$0.10/KWH. Incremental cost for two speed or variable speed motor and controls is \$500.

6. WSEC C403.5, C403.7.7.1, and C403.9 - Economizers, Energy recovery ventilation systems, Heat recovery for space heating (Proposal EM099-2018 Revised 7/27/18): Requires heat recovery chillers/heat pumps in situations where there is a constant relationship between heat rejected from the building and heat required for reheat/tempering of zones with high minimum airflows. Estimated construction cost is \$2/square foot. Estimated annual energy savings is 50 KBTU/square foot.

7. WSEC C401.2 and C402.2 - High input-rated service water heating systems, Renewable and site-recovered heat (Proposal EW101-2018 Revised 8/10/18): Requires more high-output water heating system. Estimated annual energy savings is 2.071 KWH/square foot. Gas Central DHW to 95 EF Gas Central Storage DHW - Install gas central boiler to serve all of the apartment units \$0.28/square foot. Estimated annual energy savings is 4.1 KBTU/square foot. No additional time is required by the plan review and inspection staff to enforce this provision.

8. WSEC C405.2 - Lighting controls (Proposal EL113-2018 Revised 7/27/18): **Savings[;]** Adds interior lighting controls to WSEC based on the existing requirements in ASHRAE 90.1-2016. Also clarifies requirements for warehouse and other spaces with fifty percent dimming requirements. Estimated annual energy savings: 1) Corridor OS Control: 1.67 KWH/square foot of treatment, 2) Stairwell OS Control: 2.4 KWH/square foot of treatment, and 3) Parking OS Control: 0.33 KWH/square foot of treatment.

9. WSEC C405.4.1 - Total connected interior lighting power (Proposal EL118-2018): **Savings[;]** Adds a luminous efficacy statement to ensure that incandescent lamps will not be allowed. Estimated annual energy savings: 1) Corridor OS Control: 1.67 KWH/square foot of treatment, 2) Stairwell OS Control: 2.4 KWH/square foot of treatment, and 3) Parking OS Control: 0.33 KWH/square foot of treatment.

10. WSEC C405.4.1, TABLE C405.4.2 Definitions, Total connected interior lighting power, INTERIOR LIGHTING POWER ALLOWANCES: BUILDING AREA METHOD, INTERIOR LIGHTING POWER ALLOWANCES: SPACE-BY-SPACE METHOD, BUILDING SPECIFIC SPACE-BY-SPACE TYPES (Proposal EL119-2018 Revised 8/10/18): **Savings[;]** Modifies the connected lighting power equation, the lighting power allowance ceiling height adjustment, and the lighting power allowances. The cost of this proposal depends upon fixture makeup. Projects using significant amounts of track, can, or wall sconce fixtures will see reduced costs. Projects not using these fixtures will need to purchase slightly more efficient fixtures. Estimated annual energy savings is 0.175 KWH/square foot. The savings will be modest. In office, lighting power will be reduced 10.7 percent from 0.66 W/sf to 0.59 W/sf. Assuming 2500 hours per year of operation. Assuming VRF heating and cooling the interactive effects will cancel out.

11. WSEC C405.5.1 - Exterior building grounds lighting (Proposal EL122-2018 Revised 8/8/18): Requires exterior grounds lighting greater than fifty watts meet minimum effi-

cacy requirements of one hundred lumens/watt or greater or eighty lumens per watt if less than or equal to fifty watts. Also allows for lower efficacy luminaire sources if they are connected by automatic lighting controls, are solar powered or exempted. Estimated cost is \$0.14 square foot. Estimated annual energy savings is 0.178 KWH/square foot. No additional enforcement time is required. This requirement is currently in the code and is just being updated.

12. WSEC C406, C406.10 - EFFICIENCY PACKAGE, Enhanced commercial kitchen equipment (Proposal EO127-2018 Revised 8/10/18): Provides a targeted option for commercial kitchens to comply with code while saving substantial energy using cost-effective efficient equipment. The primary economic impact is a reduction in energy consumption through the purchase of efficient commercial cooking equipment. There is a direct benefit to the building owner and business via a reduction in energy costs related to reduced energy consumption from food service equipment with high run hours. Estimated construction cost is \$1.55/square foot. Estimated annual energy savings is 22.6 KBTU/square foot.

13. WSEC C406.11 - High performance service water heating in multifamily buildings (Proposal EO130\*2018 Revised 8/10/18): Provides an additional measure for heat pump water heating in multifamily buildings. Estimated annual energy savings is 1.75 KWH/square foot (or) 6 KBTU/square foot; for residential projects, 1750 KWH/dwelling unit.

14. WSEC Primarily Section C407, but related requirements in C401.2, C402.4.1.3, C402.4.1.4, C403.5, C403.6.10 - Adoption of ASHRAE 90.1 Appendix G for Performance-based compliance (Proposal EP141-2018): Replaces the current whole building performance path in the code with the procedures ASHRAE Standard 90.1 Appendix G along with Washington state specific performance targets to maintain the stringency of the Washington code. The proposal is expected to save modeling costs for building owners pursuing LEED, Standard 189.1 (IGCC) or other beyond code programs since a second baseline model will not be needed. It could potentially save additional modeling costs if software becomes available to automate the process generating the baseline models. Jurisdiction review costs should be reduced if nationally developed compliance documentation is required. Estimated construction cost is \$0.07/square foot for a 50,000 sq.ft. building. Typical modeling costs vary significantly, but an estimate of \$0.18 - \$0.24/ft<sup>2</sup> for a 50,000 sq.ft. building with a single baseline model is reasonable. If a second baseline model is needed, costs can be expected to increase by 1/3 or about \$0.07/ft<sup>2</sup>. Codes enforcement time is expected to decrease based on available compliance documentation, higher quality of models due to a more universal ruleset, and potential elimination of the baseline model review if automated software is used.

15. WSEC C408, C410, C501.7 - Chapter 4 Commercial Energy Efficiency, Chapter 5 Existing Buildings (Proposal EC150-2018 Revised 8/3/18): Changes the scope of commissioning requirements. Implementing an entire commissioning process for a new construction project is approximately \$1.16/square foot or 0.4 percent of project cost.

16. WSEC C409.3 End-use metering (Proposal E155-2018 Revised 10/8/18): Requires end-use metering for light-

ing, plug loads, and process equipment (in addition to HVAC and water heating). Best case: All end-uses are separated/isolated at the main electrical switchgear. Cost estimate: \$2,000 meter + \$1,000 controls + \$2,000 markups/Cx = \$5,000 per meter. Total cost for three additional meters (lighting, plug, process) = \$15,000 per building. Worse [Worst] case: Electrical distribution requires multiple submeters throughout the building in order to distinguish between load types. Cost will vary greatly depending on the size and type of building, as well as the design of the electrical distribution system.

**Loss of Sales or Revenue:** The proposed rules make the state code for building construction consistent with national standards. Businesses with new products or updated test or design standards are recognized in the updated building code. For these businesses there will be a gain in sales and revenue.

The results of reduced energy use in buildings include avoiding the need for new power generation, reducing environmental impact, and providing local employment. The legislative findings state that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy.

**Cost of Compliance for Small Businesses:** The majority of businesses affected by the updates to the building codes are small businesses; over ninety-five percent of those listed in the construction and related industries have under fifty employees. The costs per employee are comparable between the largest businesses and the majority of small businesses. The cost to comply with the updated codes is not a disproportionate impact on small business[es]. Where the council found the cost of compliance for small businesses to be disproportionate, the proposed rule mitigates the cost. The proposed rules include a definition of small business[es] and provide exceptions for compliance with the updated rule.

**Small Businesses Involved in the Development of the Rule:** The council conducted open public meetings of the Energy Code TAG, available via telephone conference bridge and over the internet, and allowed comment on every item on every agenda. The council appointed over one hundred representatives of all segments of the business and construction community to serve on the TAGs.

**List of Industries:** Below is a list of industries required to comply with the building code:

NAICS Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of AVG Annual Payroll	0.3% of AVG Annual Revenue
236115	New single-family housing construction (except for-sale builders)	1261	\$186,272,000	—	\$147,718	—	\$1,477	—
236116	New multifamily housing construction (except for-sale builders)	45	\$54,622,000	—	\$1,213,822	—	\$12,138	—
236118	Residential remodelers	2777	\$318,180,000	\$1,536,217,000	\$114,577	\$553,193	\$1,146	\$1,660
236210	Industrial building construction	53 (s)	\$99,790,000	—	—	—	—	—
236220	Commercial and institutional building construction	862	\$772,473,000	\$6,925,925,000	\$896,140	\$8,034,716	\$8,961	\$24,104
238110	Poured concrete foundation and structure contractors	511	\$144,643,000	\$479,256,000	\$283,059	\$937,879	\$2,831	\$2,814
238120	Structural steel and precast concrete contractors	68	\$93,454,000	\$336,100,000	\$1,374,324	\$4,942,647	\$13,743	\$14,828
238130	Framing contractors	417	\$79,196,000	\$279,226,000	\$189,918	\$669,607	\$1,899	\$2,009
238140	Masonry contractors	293	\$74,067,000	\$215,274,000	\$252,788	\$734,724	\$2,528	\$2,204
238150	Glass and glazing contractors	141	\$67,626,000	\$237,985,000	\$479,617	\$1,687,837	\$4,796	\$5,064
238160	Roofing contractors	537	\$179,942,000	\$660,911,000	\$335,088	\$1,230,747	\$3,351	\$3,692
238170	Siding contractors	327	\$58,557,000	\$286,471,000	\$179,073	\$876,058	\$1,791	\$2,628
238190	Other foundation, structure, and building exterior contractors	113	\$37,585,000	\$123,771,000	\$332,611	\$1,095,319	\$3,326	\$3,286
238210	Electrical contractors and other wiring installation contractors	1847	\$940,854,000	\$3,026,762,000	\$509,396	\$1,638,745	\$5,094	\$4,916
238220	Plumbing, heating, and air-conditioning contractors	1664	\$959,976,000	\$3,169,548,000	\$576,909	\$1,904,776	\$5,769	\$5,714

NAICS Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of AVG Annual Payroll	0.3% of AVG Annual Revenue
238290	Other building equipment contractors	81	\$117,696,000	—	\$1,453,037	—	\$14,530	—
238310	Drywall and insulation contractors	653	\$282,929,000	\$723,945,000	\$433,276	\$1,108,644	\$4,333	\$3,325
238990	All other specialty trade contractors	547	\$182,710,000	\$573,308,000	\$334,022	\$1,048,095	\$3,340	\$3,144
321213	Engineered wood member (except truss) manufacturing	11	\$14,216,000	\$79,051,000	\$1,292,364	\$7,186,455	\$12,924	\$21,559
321214	Truss manufacturing	22	—	—	—	—	—	—
321219	Reconstituted wood product manufacturing	3	—	—	—	—	—	—
321911	Wood window and door manufacturing	39	\$37,814,000	\$145,137,000	\$969,590	\$3,721,462	\$9,696	\$11,164
321992	Prefabricated wood building manufacturing	18	\$6,891,000	—	\$382,833	—	\$382,833	—
327310	Cement manufacturing	7	—	—	—	—	—	—
327320	Ready-mix concrete manufacturing	93	\$74,457,000	—	\$800,613	—	\$8,006	—
327331	Concrete block and brick manufacturing	18	\$11,218,000	—	\$623,222	—	\$6,232	—
332311	Prefabricated metal building and component manufacturing	9	\$3,564,000	—	\$396,000	—	\$3,960	—
332312	Fabricated structural metal manufacturing	94	\$125,755,000	—	\$1,337,819	—	\$13,378	—
332321	Metal window and door manufacturing	16	\$23,776,000	—	\$1,486,000	—	\$14,860	—
332322	Sheet metal work manufacturing	122	\$122,956,000	\$573,443,000	\$1,007,836	\$4,700,352	\$10,078	\$14,101
335121	Residential electric lighting fixture manufacturing	9	—	—	—	—	—	—
335122	Commercial, industrial, and institutional electric lighting fixture manufacturing	8	\$2,625,000	—	\$328,125	—	\$3,281	—
335129	Other lighting equipment manufacturing	4	—	—	—	—	—	—
423720	Plumbing and heating equipment and supplies (hydronics) merchant wholesalers	168	\$82,225,000	\$897,748,000	\$489,435	\$5,343,738	\$4,894	\$16,031
541310	Architectural services	635	\$326,798,000	\$921,033,000	\$514,643	\$1,450,446	\$5,146	\$4,351
541330	Engineering services	1599	\$1,758,825,000	\$3,946,553,000	\$1,099,953	\$2,468,138	\$11,000	\$7,404
541350	Building inspection services	154	\$9,724,000	\$28,297,000	\$63,143	\$183,747	\$631	\$551
561621	Security systems services (except locksmiths)	109	\$86,072,000	\$233,388,000	\$789,651	\$2,141,174	\$7,897	\$6,424

Note: Data is blank in some fields to protect data source.

Data Source: Economic Census of the United States



A copy of the statement may be obtained by contacting Richard Brown, 1500 Jefferson [Street] S.E., P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9277, email Richard.Brown@des.wa.gov.

May 8, 2019  
Doug Orth  
Council Chair

## Chapter 51-11C WAC

### STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ~~((2015))~~ 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, COMMERCIAL

AMENDATORY SECTION (Amending WSR 17-17-162, filed 8/23/17, effective 10/1/17)

#### WAC 51-11C-10100 Section C101—Scope and general requirements.

**C101.1 Title.** This code shall be known as the *Washington State Energy Code*, and shall be cited as such. It is referred to herein as "this code."

**C101.2 Scope.** This code applies to *commercial buildings* and the buildings sites and associated systems and equipment. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC. Building areas that contain Group R sleeping units, regardless of the number of stories in height, are required to comply with the commercial sections of the energy code.

**EXCEPTION:** The provisions of this code do not apply to *temporary growing structures* used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for the purposes of this code. However, the installation of other than listed, portable mechanical equipment or listed, portable lighting fixtures is not allowed.

**C101.3 Intent.** This code shall regulate the design and construction of buildings for the use and conservation of energy over the life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

#### WAC 51-11C-10140 Section C101.4—Applicability.

**C101.4 Applicability.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

**C101.4.1 Mixed (~~(occupancy)~~) residential and commercial buildings.** Where a building includes both *residential building* and *commercial* (~~(occupancies, each occupancy)~~) building portions, each portion shall be separately considered and meet the applicable provisions of WSEC—Commercial Provisions or WSEC—Residential Provisions.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

#### WAC 51-11C-10150 Section C101.5—Compliance.

**C101.5 Compliance.** *Residential buildings* shall meet the provisions of WSEC—Residential Provisions. *Commercial buildings* shall meet the provisions of WSEC—Commercial Provisions.

**C101.5.1 Compliance materials.** The *code official* shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code.

**C101.6 Appendices.** Appendices A, B, C, and D are included in the adoption of this code. Provisions in Appendices E and F shall not apply unless specifically adopted by the local jurisdiction.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

#### WAC 51-11C-10200 Section C102—(~~(Alternate materials—Method)~~) **Alternative materials, design and methods of construction**(~~(, design or insulating systems)~~) **and equipment.**

**C102.1 General.** The provisions of this code (~~(is)~~) are not intended to prevent the (~~(use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the code official as meeting the intent of this code)~~) installation of any material, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

#### WAC 51-11C-10300 Section C103—Construction documents.

**C103.1 General.** Construction documents and other supporting data shall be submitted in one or more sets with each

application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

**EXCEPTION:** The *code official* is authorized to waive the requirements for construction documents or other supporting data if the *code official* determines they are not necessary to confirm compliance with this code.

**C103.2 Information on construction documents.** Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *code official*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable:

1. Insulation materials and their *R*-values.
2. Fenestration *U*-factors and SHGCs.
3. Area-weighted *U*-factor and SHGC calculations.
4. Mechanical system design criteria.
5. Mechanical and service water heating system and equipment types, sizes and efficiencies.
6. Economizer description.
7. Equipment and systems controls.
8. Fan motor horsepower (hp) and controls.
9. Duct sealing, duct and pipe insulation and location.
10. Lighting fixture schedule with wattage and control narrative.
11. Location of daylight zones on floor plan.
12. Air barrier details including all air barrier boundaries and associated square foot calculations on all six sides of the air barrier as applicable.

**C103.2.1 Building thermal envelope depiction.** The building's thermal envelope shall be represented on the construction documents.

**C103.3 Examination of documents.** The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**C103.3.1 Approval of construction documents.** When the *code official* issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "Reviewed for Code Compliance." Such *approved* construction documents shall not be changed, modified or altered without authorization from the *code official*. Work shall be done in accordance with the *approved* construction documents.

One set of construction documents so reviewed shall be retained by the *code official*. The other set shall be returned to the applicant, kept at the site of work and shall be open to inspection by the *code official* or a duly authorized representative.

**C103.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**C103.3.3 Phased approval.** The *code official* shall have the authority to issue a permit for the construction of part of an energy conservation system before the construction documents for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire energy conservation system will be granted.

**C103.4 Amended construction documents.** Changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

**C103.5 Retention of construction documents.** One set of *approved* construction documents shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**C103.6 Building documentation and close out submittal requirements.** The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent within ~~((180))~~ a maximum of 90 days of the date of receipt of the certificate of occupancy.

**C103.6.1 Record documents.** Construction documents shall be updated by the installing contractor and architect or engineer of record to convey a record of the completed work. Such updates shall include building envelope, mechanical, plumbing, electrical and control drawings red-lined, or redrawn if specified, that show all changes to size, type and locations of components, equipment and assemblies. Record documents shall include the location and model number of each piece of equipment as installed. The architect, engineer of record or installing contractor is required to provide consolidated record drawings in compliance with this section to the building owner or owner's authorized agent with the timeline specified in Section C103.6.

**C103.6.2 Building operations and maintenance information.** Required regular maintenance actions for equipment and systems shall be clearly stated on a readily visible label on the equipment. The label shall include the title or publication number for the operation and maintenance manual for that particular model and type of product and the manufacture date or installation date.

**C103.6.2.1 Manuals.** An operating and maintenance manual shall be provided for each component, device, piece of equipment, and system governed by this code. The manual shall include all of the following:

1. Submittal data indicating all selected options for each piece of equipment and control devices.

2. Manufacturer's operation manuals and maintenance manuals for each device, piece of equipment, and system requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions, cleaning and recommended relamping shall be clearly identified.

3. Name and address of at least one service agency.

4. Controls system inspection schedule, maintenance and calibration information, wiring diagrams, schematics, and control sequence descriptions. A schedule for inspecting and recalibrating all lighting controls. Desired or field-determined setpoints shall be permanently recorded on control drawings at control devices or, for digital control systems, on the graphic where settings may be changed.

5. A narrative of how each system is intended to operate, including recommended setpoints. Sequence of operation alone is not acceptable for this requirement.

**C103.6.3 Compliance documentation.** All energy code compliance forms and calculations shall be delivered in one document to the building owner as part of the project record documents ~~(s)~~ or manuals, or as a standalone document. This document shall include the specific energy code year utilized for compliance determination for each system. NFRC certifies for the installed windows, list of total area for each NFRC certificate, the interior lighting power compliance path (building area, space-by-space) used to calculate the lighting power allowance.

For projects complying with Section C401.2 Item 1, the documentation shall include:

1. The ~~((envelop))~~ envelope insulation compliance path (prescriptive or component performance).

2. All completed code compliance forms, and all compliance calculations including, but not limited to, those required by sections C402.1.5, C403.2.12.1, C405.4, and C405.5.

For projects complying with Section C401.2 Item 2, the documentation shall include:

1. A list of all proposed envelope component types, areas and *U*-values.

2. A list of all lighting area types with areas, lighting power allowance, and installed lighting power density.

3. A list of each HVAC system modeled with the assigned and proposed system type.

4. Electronic copies of the baseline and proposed model input and output file. The input files shall be in a format suitable for rerunning the model and shall not consist solely of formatted reports of the inputs.

**C103.6.4 Systems operation training.** Training of the maintenance staff for equipment included in the manuals required by Section C103.6.2 shall include at a minimum:

1. Review of manuals and permanent certificate.

2. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.

3. Training completion report.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

#### WAC 51-11C-10400 Section C104—Inspections.

**C104.1 General.** Construction or work for which a permit is required shall be subject to inspection by the *code official* ~~((or)),~~ his or her designated agent, or an approved agency, and such construction or work shall remain ~~((accessible and exposed))~~ visible and able to be accessed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain ~~((accessible and exposed))~~ visible and able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material, product, system or building component required to allow inspection to validate compliance with this code.

**C104.2 Required inspections.** The *code official* ~~((or)),~~ his or her designated agent, or an approved agency, upon notification, shall make the inspections set forth in Sections C104.2.1 through C104.2.6.

**C104.2.1 Footing and foundation ~~((inspection))~~ insulation.** Inspections ~~((associated with footings and foundations))~~ shall verify ~~((compliance with the code as to))~~ footing and/or foundation insulation *R*-value, location, thickness, depth of burial and protection of insulation as required by the code ~~((and)),~~ *approved* plans and specifications.

**C104.2.2 ~~((Insulation and fenestration inspection))~~ Thermal envelope.** Inspections shall be made before application of interior finish and shall verify ~~((compliance with the code as to types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties (U-factor, SHGC and VT) and proper installation; and air leakage controls))~~ that envelope components with the correct type of insulation, the R-values, the correct location of insulation, the correct fenestration, the U-factor, SHGC, VT, and air leakage controls are properly installed as required by the code ~~((and)),~~ *approved* plans and specifications, including envelope components in future tenant spaces of multitenant buildings.

**C104.2.3 Plumbing ~~((inspection))~~ system.** Inspections shall verify ~~((compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection, required controls and required heat traps))~~ the type of insulation, the R-values, the protection required, controls, and heat traps as required by the code, approved plans and specifications.

**C104.2.4 Mechanical ~~((inspection))~~ system.** Inspections shall verify ~~((compliance as required by the code and approved plans and specifications as to))~~ the installed HVAC equipment for the correct type and size, ~~((required))~~ controls, duct and piping ~~((system))~~ insulation ~~((and corresponding))~~

R-values, duct system and damper air leakage ~~((and required energy recovery and/or economizers))~~, minimum fan efficiency, energy recovery and economizer as required by the code, approved plans and specifications.

**C104.2.5 Electrical ~~((and lighting inspection))~~ system.** Inspections shall verify ~~((compliance as required by the code and approved plans and specifications as to installed))~~ lighting system~~((s))~~ controls, components ~~((and controls))~~, meters, motors and installation of an electric meter for each dwelling unit as required by the code, approved plans and specifications.

**C104.2.6 Final inspection.** The ~~((building shall have a final inspection and not be occupied until approved))~~ final inspection shall include verification of the installation and proper operation of all required building controls, and documentation verifying activities associated with required building commissioning have been conducted in accordance with Section C408.

**C104.3 Reinspection.** A building shall be reinspected when determined necessary by the *code official*.

**C104.4 Approved inspection agencies.** The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability relevant to the building components and systems they are inspecting.

**C104.5 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**C104.6 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

**C104.7 Approval.** After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the *code official*.

**C104.7.1 Revocation.** The *code official* is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20201 Section C202.1—A.**

**ABOVE-GRADE WALL.** A wall enclosing *conditioned space* that is not a below-grade wall. This includes between-floor spandrels, peripheral edges of floors, roof and basement knee walls, dormer walls, gable end walls, walls enclosing a mansard roof and skylight shafts.

~~((ACCESSIBLE. Admitting close approach as a result of not being guarded by locked doors, elevation or other effective means (see "Readily accessible").))~~ **ACCESS (TO).** That which enables a device, appliance or equipment to be reached by ready access or by a means that first requires the removal or movement of a panel or similar obstruction.

**ADDITION.** An extension or increase in the *conditioned space* floor area, number of stories, or height of a building or structure.

**AIR BARRIER.** ~~((Material(s) assembled and joined together to provide a barrier to air leakage through the building envelope. An air barrier may be a single material or a combination of materials.))~~ One or more materials joined together in a continuous manner to restrict or prevent the passage of air through the building thermal envelope and its assemblies.

**AIR CURTAIN.** A device, installed at the building entrance, that generates and discharges a laminar air stream intended to prevent the infiltration of external, unconditioned air into the conditioned spaces, or the loss of interior, conditioned air to the outside.

**ALTERATION.** Any construction, retrofit or renovation to an existing structure other than repair or addition ~~((that requires a permit))~~. Also, a change in a building, electrical, gas, mechanical or plumbing system that involves an extension, addition or change to the arrangement, type or purpose of the original installation ~~((that requires a permit))~~.

**APPROVED.** ~~((Approval by))~~ Acceptable to the *code official* ((as a result of investigation and tests conducted by him or her, or by reason of accepted principles or tests by nationally recognized organizations)).

**APPROVED AGENCY.** An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, or furnishing product certification research reports, when such agency has been *approved* by the *code official*.

**ATTIC AND OTHER ROOFS.** All other roofs, including roofs with insulation entirely below (inside of) the roof structure (i.e., attics, cathedral ceilings, and single-rafter ceilings), roofs with insulation both above and below the roof structure, and roofs without insulation but excluding roofs with insulation entirely above deck and metal building roofs.

**AUTOMATIC.** Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature or mechanical configuration (see "Manual").

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20202 Section C202.2—B.**

**BELOW-GRADE WALL.** That portion of a wall in the building envelope that is entirely below the finish grade and in contact with the ground.

**BLOCK.** A generic concept used in energy simulation. It can include one or more thermal zones. It represents a whole building or portion of a building with the same use type served by the same HVAC system type.

**BOILER, MODULATING.** A boiler that is capable of more than a single firing rate in response to a varying temperature or heating load.

**BOILER SYSTEM.** One or more boilers, their piping and controls that work together to supply steam or hot water to heat output devices remote from the boiler.

**BUBBLE POINT.** The refrigerant liquid saturation temperature at a specified pressure.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy, including any mechanical systems, service water heating systems and electric power and lighting systems located on the building site and supporting the building.

**BUILDING COMMISSIONING.** A process that verifies and documents that the ~~((selected))~~ building systems have been ~~((designed,))~~ installed ~~((,))~~ and function according to the ~~((owner's project requirements and))~~ approved construction documents ~~((, and to minimum code requirements))~~.

**BUILDING ENTRANCE.** Any ~~((door))~~ doorway, set of doors, ~~((doorway,))~~ revolving door, vestibule or other form of portal that is ordinarily used to gain access to the building ~~((from the outside by the public))~~ or to exit from the building by its users and occupants. This does not include doors solely used to directly enter mechanical, electrical and other building utility service equipment rooms, or doors for emergency egress only.

**BUILDING SITE.** A contiguous area of land that is under the ownership or control of one entity.

**BUILDING THERMAL ENVELOPE.** The below-grade walls, above-grade walls, floors, ceilings, roofs, and any other building element ~~((s))~~ assemblies that enclose *conditioned space* or provides a boundary between *conditioned space*, *semiheated space* and exempt or unconditioned space.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-2023 Section C202.3—C.**

**C-FACTOR (THERMAL CONDUCTANCE).** The coefficient of heat transmission (surface to surface) through a building component or assembly, equal to the time rate of heat flow per unit area and the unit temperature difference between the warm side and cold side surfaces (Btu/h ft<sup>2</sup> x °F) [W/(m<sup>2</sup> x K)].

**CAPTIVE KEY DEVICE.** A lighting control that will not release the key that activates the override when the lighting is on.

**CAVITY INSULATION.** Insulating material located between framing members.

**CERTIFIED COMMISSIONING PROFESSIONAL.** An individual who is certified by an ANSI/ISO/IEC 17024:2012 accredited organization to lead, plan, coordinate and manage commissioning teams and implement the commissioning ~~((processes, or a licensed professional engineer in Washington state))~~ process.

**CHANGE OF OCCUPANCY.** A change in the use of a building or a portion of a building that results in any of the following:

1. A change of occupancy classification.
2. A change from one group to another group within an occupancy classification.
3. Any change in use within a group for which there is a change in the application of the requirements of this code.

**CIRCULATING HOT WATER SYSTEM.** A specifically designed water distribution system where one or more pumps are oper-

ated in the service hot water piping to circulate heated water from the water-heating equipment to the fixture supply and back to the water-heating equipment.

**CLERESTORY FENESTRATION.** See "FENESTRATION."

**CLIMATE ZONE.** A geographical region based on climatic criteria as specified in this code.

**CODE OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

**COEFFICIENT OF PERFORMANCE (COP) - COOLING.** The ratio of the rate of heat removal to the rate of energy input, in consistent units, for a complete refrigerating system or some specific portion of that system under designated operating conditions.

**COEFFICIENT OF PERFORMANCE (COP) - HEATING.** The ratio of the rate of heat removal to the rate of heat delivered to the rate of energy input, in consistent units, for a complete heat pump system, including the compressor and, if applicable, auxiliary heat, under designated operating conditions.

**COMMERCIAL BUILDING.** For this code, all buildings that are not included in the definition of "Residential buildings."

**COMPUTER ROOM.** A room whose primary function is to house equipment for the processing and storage of electronic data and that has a design ~~((electronic data))~~ total information technology equipment (IET) equipment power ~~((density exceeding))~~ less than or equal to 20 watts per square foot of conditioned area and a design IET equipment load less than or equal to 10 kW.

**CONDENSING UNIT.** A factory-made assembly of refrigeration components designed to compress and liquefy a specific refrigerant. The unit consists of one or more refrigerant compressors, refrigerant condensers (air-cooled, evaporatively cooled, or water-cooled), condenser fans and motors (where used) and factory-supplied accessories.

**CONDITIONED FLOOR AREA.** The horizontal projection of the floors associated with the *conditioned space*.

**CONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and that is directly heated or cooled or that is indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

~~((**CONTINUOUS AIR BARRIER.** A combination of materials and assemblies that restrict or prevent the passage of air through the building thermal envelope.))~~

**CONTINUOUS INSULATION (CI).** Insulating material that is continuous across all structural members without metal thermal bridges other than fasteners that have a total cross-sectional area not greater than 0.04 percent of the envelope surface through which they penetrate, and service openings. It is installed on the interior or exterior or is integral to any opaque surface of the building envelope.

**CONTROLLED PLANT GROWTH ENVIRONMENT.** Group F and U buildings or spaces that are specifically controlled to facilitate and enhance plant growth and production by manipulating various indoor ~~((environment))~~ environmental conditions. Technologies include indoor agriculture, cannabis growing, hydroponics, aquaculture and aquaponics. Con-

trolled indoor environment variables include, but are not limited to, temperature, air quality, humidity, and carbon dioxide.

**CURTAIN WALL.** Fenestration products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments.

**AMENDATORY SECTION** (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-20204 Section C202.4—D.**

**DATA ACQUISITION SYSTEM.** An electronic system managed by the building owner to collect, tabulate and display metering information.

**DATA CENTER.** A room or series of rooms that share data center systems whose primary function is to house equipment for the processing and storage of electronic data, which has a design total information technology equipment (ITE) power density exceeding 20 watts per square foot of conditioned area and a total design ITE equipment load greater than 10 kW.

**DATA CENTER SYSTEMS.** HVAC systems, electrical systems, equipment, or portions thereof used to condition ITE or electrical systems in a data center.

**DAYLIGHT RESPONSIVE CONTROL.** A device or system that provides automatic control of electric light levels based on the amount of daylight in a space.

**DAYLIGHT ZONE.** The portion of the building interior floor area that is illuminated by natural daylight through ((~~sidelight and toplight~~)) sidelit and toplit fenestration.

**DECORATIVE APPLIANCE, VENTED.** A vented appliance wherein the primary function lies in the aesthetic effect of the flames.

**DEMAND CONTROL VENTILATION (DCV).** A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

**DEMAND RECIRCULATION WATER SYSTEM.** A water distribution system ((where pumps prime the service hot water piping with heated water upon demand for hot water)) having one or more recirculation pumps that pump water from a heated water supply pipe back to the heated water source through a cold water supply pipe.

**DOOR, NONSWINGING.** Roll-up, tilt-up, metal coiling and sliding doors, access hatches, and all other doors that are not swinging doors.

**DOOR, SWINGING.** Doors that are hinged on one side and revolving doors.

**DUCT.** A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

**DUCT SYSTEM.** A continuous passageway for the transmission of air that, in addition to ducts, includes duct fittings, dampers, plenums, fans and accessory air-handling equipment and appliances.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DX-DEDICATED OUTDOOR AIR SYSTEM UNITS (DX-DOAS UNITS).** A type of air-cooled, water-cooled or water source factory assembled product that dehumidifies 100 percent outdoor air to a low dew point and includes reheat that is capable of controlling the supply dry-bulb temperature of the dehumidified air to the designated supply air temperature. This conditioned outdoor air is then delivered directly or indirectly to the conditioned spaces. It may precondition outdoor air by containing an enthalpy wheel, sensible wheel, desiccant wheel, plate heat exchanger, heat pipes, or other heat or mass transfer apparatus.

**DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, SHGC, or VT.

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-20205 Section C202.5—E.**

**ECONOMIZER, AIR.** A duct and damper arrangement and automatic control system that allows a cooling system to supply outside air to reduce or eliminate the need for mechanical cooling during mild or cold weather.

**ECONOMIZER, WATER.** A system where the supply air of a cooling system is cooled indirectly with water that is itself cooled by heat or mass transfer to the environment without the use of mechanical cooling.

**ELECTRICAL LOAD COEFFICIENT (ELC).** In a data center, the ratio of the sum of three specific electrical losses (or losses calculated from efficiencies) to the ITE load itself. Specifically, ELC equals the sum of the incoming (to ITE) electrical service losses, UPS losses, and ITE distribution losses all divided by the peak ITE load. The design ELC is calculated at the full load design condition with active redundant equipment engaged, and the annual ELC is calculated the same way because it is assumed that ITE runs constantly at full power all year.

**ENCLOSED SPACE.** A volume surrounded by solid surfaces such as walls, floors, roofs, and openable devices such as doors and operable windows.

**END USE CATEGORY.** A load or group of loads that consume energy in a common or similar manner.

**ENERGY ANALYSIS.** A method for estimating the annual energy use of the *proposed design* and *standard reference design* based on estimates of energy use.

**ENERGY COST.** The total estimated annual cost for purchased energy for the building functions regulated by this code, including applicable demand charges.

**ENERGY RECOVERY VENTILATION SYSTEM.** Systems that employ air-to-air heat exchangers to recover energy from exhaust air for the purpose of preheating, precooling, humidifying or dehumidifying outdoor ventilation air prior to supplying the air to a space, either directly or as part of an HVAC system.

**ENERGY SIMULATION TOOL.** An *approved* software program or calculation-based methodology that projects the annual energy use of a building.

**ENERGY SOURCE METER.** A meter placed at the source of the incoming energy that measures the energy delivered to the whole building or metered space.

**ENTRANCE DOOR.** A vertical fenestration product((s)) used for occupant ingress, egress and access in nonresidential buildings including, but not limited to, exterior entrances ((that utilize)) utilizing latching hardware and automatic closers and ((contain)) containing over 50 percent ((glass)) glazing specifically designed to withstand heavy ((use and possibly abuse)) duty usage.

**EQUIPMENT ROOM.** A space that contains either electrical equipment, mechanical equipment, machinery, water pumps or hydraulic pumps that are a function of the building's services.

**EXTERIOR WALL.** Walls including both above-grade walls and below-grade walls.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20206 Section C202.6—F.**

**FAN BRAKE HORSEPOWER (BHP).** The horsepower delivered to the fan's shaft. Brake horsepower does not include the mechanical drive losses (belts, gears, etc.).

**FAN EFFICIENCY GRADE (FEG).** A numerical rating identifying the fan's aerodynamic ability to convert shaft power, or impeller power in the case of a direct-driven fan, to air power.

**FAN SYSTEM BHP.** The sum of the fan brake horsepower of all fans that are required to operate at fan system design conditions to supply air from the heating or cooling source to the conditioned space(s) and return it to the source or exhaust it to the outdoors.

**FAN SYSTEM DESIGN CONDITIONS.** Operating conditions that can be expected to occur during normal system operation that result in the highest supply fan airflow rate to conditioned spaces served by the system, other than during air economizer operation.

**FAN SYSTEM MOTOR NAMEPLATE HP.** The sum of the motor nameplate horsepower of all fans that are required to operate at design conditions to supply air from the heating or cooling source to the conditioned space(s) and return it to the source or exhaust it to the outdoors.

**FENESTRATION.** Products classified as either skylights or vertical fenestration ((or skylights)).

**SKYLIGHTS.** Glass or other transparent or translucent glazing material installed at a slope of less than 60 degrees (91.05 rad) from horizontal, including unit skylights, tubular daylighting devices and glazing materials in solariums, sunrooms, roofs and sloped walls.

**VERTICAL FENESTRATION.** Windows ((fixed or moveable)) that are fixed or operable, glazed doors, glazed block and combination opaque/glazed doors composed of glass or other transparent or translucent glazing materials and installed at a slope ((of at least)) not less than 60 degrees (91.05 rad) from horizontal. Opaque areas such as spandrel panels are not considered vertical fenestration.

**CLERESTORY FENESTRATION.** An upper region of vertical fenestration provided for the purpose of admitting daylight beyond the perimeter of a space. The entire clerestory fenestration assembly is installed at a height greater than 8 feet above the finished floor.

**FENESTRATION AREA.** Total area of the fenestration measured using the rough opening, and including the glazing, sash and frame.

**FENESTRATION PRODUCT, FIELD-FABRICATED.** A fenestration product whose frame is made at the construction site of standard dimensional lumber or other materials that were not previously cut, or otherwise formed with the specific intention of being used to fabricate a fenestration product or exterior door. Field fabricated does not include site-built fenestration.

**FENESTRATION PRODUCT, SITE-BUILT.** A fenestration designed to be made up of field-glazed or field-assembled units using specific factory cut or otherwise factory-formed framing and glazing units. Examples of site-built fenestration include storefront systems, curtain walls, and atrium roof systems.

**F-FACTOR.** The perimeter heat loss factor for slab-on-grade floors (Btu/h x ft x °F) [W/(m x K)].

**FLOOR AREA, NET.** The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

**FURNACE ELECTRICITY RATIO.** The ratio of furnace electricity use to total furnace energy computed as ratio =  $(3.412 \times E_{AE}) / (1000 \times E_F + 3.412 \times E_{AE})$  where  $E_{AE}$  (average annual auxiliary electrical consumption) and  $E_F$  (average annual fuel energy consumption) are defined in Appendix N to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and  $E_F$  is expressed in millions of Btus per year.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20207 Section C202.7—G.**

**GENERAL LIGHTING.** Lighting that provides a substantially uniform level of illumination throughout an area. General lighting shall not include lighting that provides a dissimilar level of illumination to serve a specific application or decorative feature within such area.

~~((GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I). A motor that is designed in standard ratings with either of the following:~~

~~1. Standard operating characteristics and standard mechanical construction for use under usual service conditions, such as those specified in NEMA MG1, paragraph 14.02, "Usual Service Conditions," and without restriction to a particular application or type of application.~~

~~2. Standard operating characteristics or standard mechanical construction for use under unusual service conditions, such as those specified in NEMA MG1, paragraph 14.03, "Unusual Service Conditions," or for a particular type of application, and that can be used in most general purpose applications.~~

~~General purpose electric motors (Subtype I) are constructed in NEMA T frame sizes or IEC metric equivalent, starting at 143T.~~

~~GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II). A motor incorporating the design elements of a general purpose electric motor (Subtype I) that is configured as one of the following:~~

1. A *U*-frame motor.
2. A Design C motor.
3. A close-coupled pump motor.
4. A footless motor.
5. A vertical, solid-shaft, normal thrust motor (as tested in a horizontal configuration).
6. An 8-pole motor (900 rpm).
7. A polyphase motor with voltage of not more than 600 volts (other than 230 or 460 volts.)

**GREENHOUSE.** A permanent structure or a thermally isolated area of a building that maintains a specialized sunlit environment that is used exclusively for, and is essential to, the cultivation, protection or maintenance of plants. Greenhouses are those that are erected for a period of 180 days or more.

**GROUP R.** Buildings or portions of buildings that contain any of the following occupancies as established in the *International Building Code*:

1. Group R-1.
2. Group R-2 where located more than three stories in height above grade plane.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20208 Section C202.8—H.**

**HEAT TRAP.** An arrangement of piping and fittings, such as elbows, or a commercially available heat trap that prevents thermosiphoning of hot water during standby periods.

**HEAT TRAP, PIPE CONFIGURED.** A pipe configured heat trap is either, as applicable:

1. A device specifically designed for the purpose or an arrangement of tubing that forms a loop of 360 degrees; or
2. Piping that from the point of connection to the water heater (inlet or outlet) includes a length of piping directed downward before connection to the vertical piping of the supply water or hot-water distribution system.

**HEATED SLAB-ON-GRADE FLOOR.** Slab-on-grade floor construction in which the heating elements, hydronic tubing, or hot air distribution system is in contact with, or placed within or under, the slab.

**HEATED WATER CIRCULATION SYSTEM.** A water distribution system having one or more recirculation pumps that pump water from a heated water source through a dedicated hot water circulation pipe or piping system.

**HIGH SPEED DOOR.** A nonswinging door used primarily to facilitate vehicular access or material transportation, with a minimum opening rate of 32 inches (813 mm) per second, a minimum closing rate of 24 inches (610 mm) per second and that includes an automatic-closing device.

**HISTORIC BUILDINGS.** Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

**HUMIDISTAT.** A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

**HVAC TOTAL SYSTEM PERFORMANCE RATIO (HVAC TSPR).** The ratio of the sum of a building's annual heating and cooling load in thousands of Btus to the sum of annual carbon emissions in pounds from energy consumption of the building HVAC systems. Carbon emissions shall be calculated by

multiplying site energy consumption by the carbon emission factors from Table C407.1.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20209 Section C202.9—I.**

**IEC DESIGN H MOTOR.** An electric motor that meets all of the following:

1. It is an induction motor designed for use with three-phase power.
2. It contains a cage rotor.
3. It is capable of direct-on-line starting.
4. It has 4, 6 or 8 poles.
5. It is rated from 0.4 kW to 1600 kW at a frequency of 60 Hz.

**IEC DESIGN N MOTOR.** An electric motor that meets all of the following:

1. It is an inductor motor designed for use with three-phase power.
2. It contains a cage rotor.
3. It is capable of direct-on-line starting.
4. It has 2, 4, 6 or 8 poles.
5. It is rated from 0.4 kW to 1600 kW at a frequency of 60 Hz.

**INFILTRATION.** The uncontrolled inward air leakage into a building caused by the pressure effects of wind or the effect of differences in the indoor and outdoor air density or both.

**INFORMATION TECHNOLOGY EQUIPMENT (ITE).** ITE includes computers, data storage, servers and network/communications equipment.

**INSULATION ENTIRELY ABOVE DECK.** A roof with all insulation:

1. Installed above (outside of) the roof structure; and
2. Continuous (i.e., uninterrupted by framing members).

**INTEGRATED ENERGY EFFICIENCY RATIO (IEER).** A single-number figure of merit expressing cooling part-load EER efficiency for unitary air-conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment.

**INTEGRATED PART LOAD VALUE (IPLV).** A single number figure of merit based on part-load EER, COP, or kW/ton expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for equipment.

**INTEGRATED SEASONAL COEFFICIENT OF PERFORMANCE (ISCOP).** A seasonal efficiency number that is a combined value based on the formula listed in AHRI Standard 920 of the two COP values for the heating season of a DX-DOAS unit water or air source heat pump, expressed in W/W.

**INTEGRATED SEASONAL MOISTURE REMOVAL EFFICIENCY (ISMRE).** A seasonal efficiency number that is a combined value based on the formula listed in AHRI Standard 920 of the four dehumidification moisture removal efficiency (MRE) ratings required for DX-DOAS units, expressed in lb. of moisture/kWh.

**ISOLATION DEVICES.** Devices that isolate HVAC zones so they can be operated independently of one another. Isolation devices include separate systems, isolation dampers and controls providing shutoff at terminal boxes.



AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-20212 Section C202.12—L.**

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, ~~((inspection))~~ approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LINER SYSTEM (LS).** A system that includes the following:

1. A continuous vapor barrier liner membrane that is installed below the purlins and that is uninterrupted by framing members.

2. An uncompressed, unfaced insulation resting on top of the liner membrane and located between the purlins.

For multilayer installations, the last rated *R*-value of insulation is for unfaced insulation draped over purlins and then compressed when the metal roof panels are attached.

**LISTED.** Equipment, materials, products or services included in a list published by an organization acceptable to the *code official* and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

**LOW-SLOPED ROOF.** A roof having a slope less than 2 units vertical in 12 units horizontal.

**LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMER.** A transformer that is air-cooled, does not use oil as a coolant, has an input voltage less than or equal to 600 volts and is rated for operation at a frequency of 60 hertz.

**LOW-VOLTAGE LIGHTING.** A lighting system consisting of an isolating power supply, the low voltage luminaires, and associated equipment that are all identified for the use. ~~((The output circuits of the power supply operate at 30 volts (42.4 volts peak) or less under all load conditions.))~~

**LUMINAIRE.** A complete lighting unit consisting of a lamp or lamps together with the housing designed to distribute the light, position and protect the lamps, and connect the lamps to the power supply.

**LUMINAIRE-LEVEL LIGHTING CONTROL.** A lighting system consisting of one or more ~~((luminaire(s) each with))~~ luminaires where each luminaire has embedded lighting control logic, occupancy and ambient light sensors, ~~((local or central wireless networking capabilities.))~~ and local override switching capability, where required. Each luminaire shall also have wireless networking capabilities to detect and share information with other luminaires to adjust to occupancy and/or daylight in the space.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20213 Section C202.13—M.**

**MANUAL.** Capable of being operated by personal intervention (see "Automatic").

**MASS TRANSFER DECK SLAB EDGE.** That portion of the above-grade wall made up of the concrete slab where it extends past the footprint of the floor above, and there is space (conditioned or unconditioned) below the slab. The area of the slab edge shall be defined as the thickness of the slab multiplied by the perimeter of the edge condition. Examples of this condition include, but are not limited to, the transition from an above-grade structure to a below-grade structure or the transition from a tower to a podium. Cantilevered balconies do not meet this definition.

**MECHANICAL COOLING.** Reducing the temperature of a gas or liquid by using vapor compression, absorption, desiccant dehumidification combined with evaporative cooling, or another energy-driven thermodynamic cycle. Indirect or direct evaporative cooling alone is not considered mechanical cooling.

**MECHANICAL HEATING.** Raising the temperature of a gas or liquid by use of fossil fuel burners, electric resistance heaters, heat pumps, or other systems that require energy to operate.

**MECHANICAL LOAD COEFFICIENT (MLC).** In a data center, the ratio of the cooling system's net use of energy to that of the ITE. The design MLC is calculated for a local peak weather condition (stipulated in ASHRAE Standard 90.4) and equals the sum of all active cooling equipment input power, divided by total power into the ITE. The annual MLC is calculated using hourly TMY3 weather data for the data center's location and equals the sum of all energy flowing into the cooling system to respond to that weather, minus any energy successfully recovered to avoid any new energy use, all divided by the energy flowing into the ITE during the same period.

**METAL BUILDING ROOF.** A roof that:

1. Is constructed with a metal, structural, weathering surface;

2. Has no ventilated cavity; and

3. Has the insulation entirely below deck (i.e., does not include composite concrete and metal deck construction nor a roof framing system that is separated from the superstructure by a wood substrate) and whose structure consists of one or more of the following configurations:

a. Metal roofing in direct contact with the steel framing members;

b. Metal roofing separated from the steel framing members by insulation;

c. Insulated metal roofing panels installed as described in a or b.

**METAL BUILDING WALL.** A wall whose structure consists of metal spanning members supported by steel structural members (i.e., does not include spandrel glass or metal panels in curtain wall systems).

**METER.** A device that measures the flow of energy.

**MICROCELL.** A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a

tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-20214 Section C202.14—N.**

**NAMEPLATE HORSEPOWER.** The nominal motor ((horsepower)) output power rating stamped on the motor nameplate.

**NEMA DESIGN A MOTOR.** A squirrel-cage motor that meets all of the following:

1. It is designed to withstand full-voltage starting and developing locked-rotor torque as shown in paragraph 12.38.1 of NEMA MG 1.

2. It has pull-up torque not less than the values shown in paragraph 12.40.1 of NEMA MG 1.

3. It has breakdown torque not less than the values shown in paragraph 12.39.1 of NEMA MG 1.

4. It has a locked-rotor current higher than the values shown in paragraph 12.35.1 of NEMA MG 1 for 60 Hz and paragraph 12.35.2 of NEMA MG 1 for 50 Hz.

5. It has a slip at rated load of less than 5 percent for motors with fewer than 10 poles.

**NEMA DESIGN B MOTOR.** A squirrel-cage motor that meets all of the following:

1. It is designed to withstand full-voltage starting.

2. It develops locked-rotor, breakdown and pull-up torques adequate for general application as specified in Sections 12.38, 12.39 and 12.40 of NEMA MG 1.

3. It draws locked-rotor current not to exceed the values shown in paragraph 12.35.1 of NEMA MG 1 for 60 Hz and paragraph 12.35.2 of NEMA MG 1 for 50 Hz.

4. It has a slip at rated load of less than 5 percent for motors with fewer than 10 poles.

**NEMA DESIGN C MOTOR.** A squirrel-cage motor that meets all of the following:

1. It is designed to withstand full-voltage starting and developing locked-rotor torque for high-torque applications up to the values shown in paragraph 12.38.2 of NEMA MG 1 (incorporated by reference; see Sec. 431.15).

2. It has pull-up torque not less than the values shown in paragraph 12.40.2 of NEMA MG 1.

3. It has breakdown torque not less than the values shown in paragraph 12.39.2 of NEMA MG 1.

4. It has a locked-rotor current not to exceed the values shown in paragraph 12.35.1 of NEMA MG 1 for 60 Hz and paragraph 12.35.2 of NEMA MG 1 for 50 Hz.

5. It has a slip at rated load of less than 5 percent.

**NETWORKED GUEST ROOM CONTROL SYSTEM.** A control system, accessible from the front desk or other central location associated with a Group R-1 building, that is capable of identifying the occupancy status of each guest room according to a timed schedule, and is capable of controlling HVAC in each hotel and motel guest room separately.

**NONSTANDARD PART LOAD VALUE (NPLV).** A single-number part-load efficiency figure of merit calculated and referenced

to conditions other than IPLV conditions, for units that are not designed to operate at ARI standard rating conditions.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20215 Section C202.15—O.**

**OCCUPANT SENSOR CONTROL.** An automatic control device or system that detects the presence or absence of people within an area and causes lighting, equipment or appliances to be regulated accordingly.

**ON-SITE RENEWABLE ENERGY.** Energy derived from solar radiation, wind, waves, tides, landfill gas, biogas, biomass, or the internal heat of the earth. The energy system providing on-site renewable energy shall be located on the project site.

**OPAQUE DOOR.** A door that is not less than 50 percent opaque in surface area.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20216 Section C202.16—P.**

**PERSONAL WIRELESS SERVICE FACILITY.** A wireless communication facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

**POWERED ROOF/WALL VENTILATORS.** A fan consisting of a centrifugal or axial impeller with an integral driver in a weather-resistant housing and with a base designed to fit, usually by means of a curb, over a wall or roof opening.

**POWER-OVER-ETHERNET LIGHTING (POE).** Lighting sources powered by DC current utilizing Ethernet cables.

**PROPOSED DESIGN.** A description of the proposed building used to estimate annual energy use and carbon emissions from energy consumption for determining compliance based on total building performance and HVAC total performance ratio.

**PUBLIC LAVATORY FAUCET.** A lavatory faucet that is not intended for private use as defined by the *Uniform Plumbing Code* and that is supplied with both potable cold and hot water.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20218 Section C202.18—R.**

**RADIANT HEATING SYSTEM.** A heating system that transfers heat to objects and surfaces within a conditioned space, primarily by infrared radiation.

~~((**READILY ACCESSIBLE.** Capable of being reached quickly for operation, renewal or inspection without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders or access equipment (see "Accessible").))~~ **READY ACCESS (TO).** That which enables a device, appliance or equipment to be directly

reached, without requiring the removal or movement of any panel or similar obstruction.

**REFRIGERANT DEW POINT.** The refrigerant vapor saturation temperature at a specified pressure.

**REFRIGERATED WAREHOUSE COOLER.** An enclosed storage space that has a total chilled storage area of 3,000 ft<sup>2</sup> or greater and is designed to maintain a temperature of greater than 32°F but less than 55°F.

**REFRIGERATED WAREHOUSE FREEZER.** An enclosed storage space that has a total chilled storage area of 3,000 ft<sup>2</sup> or greater and is designed to maintain a temperature at or below 32°F.

**REFRIGERATION SYSTEM, LOW TEMPERATURE.** Systems for maintaining food product in a frozen state in refrigeration applications.

**REFRIGERATION SYSTEM, MEDIUM TEMPERATURE.** Systems for maintaining food product above freezing in refrigeration applications.

**REGISTERED DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

**REPAIR.** The reconstruction or renewal of any part of an existing building.

**REPLACEMENT AIR.** Outdoor air that is used to replace air removed from a building through an exhaust system. Replacement air may be derived from one or more of the following: Make-up air, supply air, transfer air and infiltration. However, the ultimate source of all replacement air is outdoor air. When replacement air exceeds exhaust, the result is exfiltration.

**REROOFING.** The process of recovering or replacing an existing roof covering. See "Roof Recover" and "Roof Replacement."

**RESIDENTIAL BUILDING.** For this code, includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2(~~(, R-3 and R-4)~~) and R-3 buildings three stories or less in height above grade plane.

**RETROFIT, BUILDING ENVELOPE.** Includes building envelope alterations and building envelope upgrades required for an area undergoing a change in space conditioning or a change in occupancy.

**ROOF ASSEMBLY.** A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof covering, underlayment, roof deck, insulation, vapor retarder and interior finish. See also *attic and other roofs, metal building roof, roof with insulation entirely above deck and single-rafter roof.*

**ROOF RECOVER.** The process of installing an additional *roof covering* over a prepared existing *roof covering* without removing the existing *roof covering*.

**ROOF REPAIR.** Reconstruction or renewal of any part of an existing roof for the purposes of its maintenance.

**ROOF REPLACEMENT.** The process of removing the existing roof covering, repairing any damaged substrate and installing a new *roof covering*.

**ROOFTOP MONITOR.** A raised section of a roof containing vertical fenestration along one or more sides.

**R-VALUE (THERMAL RESISTANCE).** The inverse of the time rate of heat flow through a body from one of its bounding surfaces to the other surface for a unit temperature difference between the two surfaces, under steady state conditions, per unit area ( $h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ ) [ $(\text{m}^2 \cdot \text{K})/\text{W}$ ].

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20219 Section C202.19—S.**

**SATURATED-CONDENSING TEMPERATURE.** The saturation temperature corresponding to the measured refrigerant pressure at the condenser inlet for single component and azeotropic refrigerants, and the arithmetic average of the dew point and *bubble point* temperatures corresponding to the refrigerant pressure at the condenser entrance for zeotropic refrigerants.

~~((SCREW LAMP HOLDERS. A lamp base that requires a screw-in-type lamp, such as a compact fluorescent, incandescent, or tungsten-halogen bulb.))~~

**SEMI-HEATED SPACE.** An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which:

1. Is heated but not cooled, and has ~~((a maximum))~~ an installed heating system output capacity ~~((of))~~ greater than or equal to 3.4 Btu/(h-ft<sup>2</sup>) but not greater than 8 Btu/(h-ft<sup>2</sup>);

2. Is not a walk-in or warehouse cooler or freezer space.

**SENSIBLE RECOVERY EFFECTIVENESS.** Change in the dry-bulb temperature of the outdoor air supply divided by the difference between the outdoor air and return air dry-bulb temperatures, expressed as a percentage, governed by AHRI Standard 1060.

**SERVICE WATER HEATING.** Heating water for domestic or commercial purposes other than space heating and process requirements.

**SIDELIT.** See Section C405.2.4.2.

**SINGLE-RAFTER ROOF.** A roof where the roof above and the ceiling below are both attached to the same wood rafter and where insulation is located in the space between these wood rafters.

**SKYLIGHT.** See "Fenestration."

**SLAB BELOW GRADE.** Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

**SLAB-ON-GRADE FLOOR.** That portion of a slab floor of the building envelope that is in contact with the ground and that is either above grade or is less than or equal to 24 inches below the final elevation of the nearest exterior grade.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not *sleeping units*.

**SMALL ELECTRIC MOTOR.** A general purpose, alternating current, single speed induction motor.

**SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation, partnership or other legal entity)

which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

**SOLAR HEAT GAIN COEFFICIENT (SHGC).** The ratio of the solar heat gain entering the space through the fenestration assembly to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

**SPACE CONDITIONING CATEGORY.** Categories are based on the allowed peak space conditioning output capacity per square foot of conditioned floor area, or the design set point temperature, for a building or space. Space conditioning categories from lowest to highest include: Low energy, semi-heated, conditioned, refrigerated walk-in and warehouse coolers, and refrigerated walk-in and warehouse freezers.

**STANDARD REFERENCE DESIGN.** A version of the *proposed design* that meets the minimum requirements of this code and is used to determine the maximum annual energy use requirement and carbon emissions from energy consumption for compliance based on total building performance and HVAC total system performance ratio.

**STEEL-FRAMED WALL.** A wall with a cavity (insulated or otherwise) whose exterior surfaces are separated by steel framing members (i.e., typical steel stud walls and curtain wall systems).

**STOREFRONT.** A ((~~nonresidential~~)) system of doors and windows mullied as a composite fenestration structure that has been designed to resist heavy use. *Storefront* systems include, but are not limited to, exterior fenestration systems that span from the floor level or above to the ceiling of the same story on commercial buildings, with or without mullied windows and doors.

**SUBSYSTEM METER.** A meter placed downstream of the energy supply meter that measures the energy delivered to a load or a group of loads.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20220 Section C202.20—T.**

**TEMPORARY GROWING STRUCTURE.** A temporary growing structure has sides and roof covered with polyethylene, polyvinyl or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. Temporary structures are those that are erected for a period of less than 180 days.

**THERMOSTAT.** An automatic control device used to maintain temperature at a fixed or adjustable set point.

**TIME SWITCH CONTROL.** An automatic control device or system that controls lighting or other loads, including switching off, based on time schedules.

**TOPLIT.** See Section C405.2.4.3.

**TUBULAR DAYLIGHTING DEVICE (TDD).** A nonoperable skylight device primarily designed to transmit daylight from a roof surface to an interior ceiling surface via a tubular conduit. The device consists of an exterior glazed weathering surface, a light transmitting tube with a reflective inside surface and an interior sealing device, such as a translucent ceiling panel.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-20222 Section C202.22—V.**

**VARIABLE REFRIGERANT FLOW SYSTEM.** An engineered direct-expansion (DX) refrigerant system that incorporates a common condensing unit, at least one variable capacity compressor, a distributed refrigerant piping network to multiple indoor fan heating and cooling units each capable of individual zone temperature control, through integral zone temperature control devices and a common communications network. Variable refrigerant flow utilizes three or more steps of control on common interconnecting piping.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**VENTILATION AIR.** That portion of supply air that comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

**VERTICAL FENESTRATION.** See "FENESTRATION."

**VISIBLE TRANSMITTANCE [VT].** The ratio of visible light entering the space through the fenestration product assembly to the incident visible light, visible transmittance, includes the effects of glazing material and frame and is expressed as a number between 0 and 1. For skylights, VT shall be measured and rated in accordance with NFRC 202.

**VISIBLE TRANSMITTANCE - ANNUAL [VT-ANNUAL].** The ratio of visible light entering the space through the fenestration product assembly to the incident visible light during the course of a year, visible transmittance, which includes the effects of glazing material, frame, and light well or tubular conduit, and is expressed as a number between 0 and 1. For tubular daylighting devices, VT-annual shall be measured and rated in accordance with NFRC 203.

**VOLTAGE DROP.** A decrease in voltage caused by losses in the wiring system that connect the power source to the load.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-30310 Section 303.1—Identification.**

**C303.1 Identification.** Materials, systems and equipment shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this code.

**C303.1.1 Building thermal envelope insulation.** An R-value identification mark shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or greater in width. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and R-value of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled R-value, installed density, coverage area and number of bags installed shall be *listed* on the certification. For sprayed polyurethane foam (SPF) insu-

lation, the installed thickness of the areas covered and *R*-value of installed thickness shall be *listed* on the certification. For insulated siding, the *R*-value shall be labeled on the product's package and shall be listed on the certification. The insulation installer shall sign, date and post the certification in a conspicuous location on the job site.

**EXCEPTION:** For roof insulation installed above the deck, the *R*-value shall be labeled as required by the material standards specified in Table 1508.2 of the *International Building Code*.

**C303.1.1.1 Blown or sprayed roof/ceiling insulation.** The thickness of blown-in or sprayed fiberglass and cellulose roof/ceiling insulation (~~((fiberglass or cellulose))~~) shall be written in inches (mm) on markers (~~((that are installed at least one))~~) for every 300 square feet (28 m<sup>2</sup>) of attic area throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers of not less than 1 inch (25 mm) in height. Each marker shall face the attic access opening. Spray polyurethane foam thickness and installed *R*-value shall be *listed* on certification provided by the insulation installer.

**C303.1.2 Insulation mark installation.** Insulating materials shall be installed such that the manufacturer's *R*-value mark is readily observable upon inspection.

**C303.1.3 Fenestration product rating.** *U*-factors of fenestration (~~((products (windows, doors and skylights)))~~) shall be determined (~~((in accordance with NFRC 100.~~

**EXCEPTION:** Where required, garage door *U*-factors shall be determined in accordance with either NFRC 100 or ANSI/DASMA 105.)

as follows:

1. For windows, doors and skylights, *U*-factor ratings shall be determined in accordance with NFRC 100.

2. Where required for garage doors and rolling doors, *U*-factor ratings shall be determined in accordance with either NFRC 100 or ANSI/DASMA 105.

*U*-factors shall be determined by an accredited, independent laboratory, and labeled and certified by the manufacturer.

Products lacking such a labeled *U*-factor shall be assigned a default *U*-factor from Table C303.1.3(1), C303.1.3(2) or C303.1.3(4). The solar heat gain coefficient (SHGC) and *visible transmittance* (VT) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Products lacking such a labeled SHGC or VT shall be assigned a default SHGC or VT from Table C303.1.3(3).

**EXCEPTION:** Units without NFRC ratings produced by a small business may be assigned default *U*-factors from Table C303.1.3(5) for vertical fenestration.

**C303.1.4 Insulation product rating.** The thermal resistance (*R*-value) of insulation shall be determined in accordance with the U.S. Federal Trade Commission *R*-value rule (C.F.R. Title 16, Part 460) in units of h x ft<sup>2</sup> x °F/Btu at a mean temperature of 75°F (24°C).

**C303.1.4.1 Insulated siding.** The thermal resistance (*R*-Value) shall be determined in accordance with ASTM C1363. Installation for testing shall be in accordance with the manufacturer's installation instructions.

**C303.1.5 Spandrel panels in glass curtain walls.** Table C303.1.5 provides default *U*-factors for the spandrel section of glass and other curtain wall systems. Design factors that affect performance are the type of framing, the type of spandrel panel and the *R*-value of insulation. Four framing conditions are considered in the table. The first is the common case where standard aluminum mullions are used. Standard mullions provide a thermal bridge through the insulation, reducing its effectiveness. The second case is for metal framing members that have a thermal break. A thermal break frame uses a urethane or other nonmetallic element to separate the metal exposed to outside conditions from the metal that is exposed to interior conditions. The third case is for structural glazing or systems where there are no exposed mullions on the exterior. The fourth case is for the condition where there is no framing or the insulation is continuous and uninterrupted by framing. The columns in the table can be used for any specified level of insulation between framing members installed in framed curtain walls or spandrel panels.

**C303.1.5.1 Window wall application.** Where "window wall" or similar assembly that is discontinuous at intermediate slab edges is used, the slab edge *U*-value shall be as listed in Appendix Table A103.3.7.1(3) or as determined using an approved calculation.

**C303.1.5.2 Table value assumptions.** In addition to the spandrel panel assembly, the construction assembly *U*-factors assume an air gap between the spandrel panel (with an *R*-value of 1.39) and one layer of 5/8-inch gypsum board (with an *R*-value of 0.56) that provides the interior finish. The gypsum board is assumed to span between the window sill and a channel at the floor. For assemblies that differ from these assumptions, custom *U*-factors can be calculated to account for any amount of continuous insulation or for unusual construction assemblies using Equations 3-1, 3-2 or 3-3 where appropriate. Spandrel panel *U*-factors for assemblies other than those covered by Table C303.1.5 or Equations 3-1 through 3-3 may be determined using an alternate approved methodology. Equations 3-1 through 3-3 do not calculate the value of any insulation inboard of the curtain wall assembly.

**Aluminum without Thermal Break**

**(Equation 3-1)**

$$U_{\text{overall}} = \left[ (R_{\text{gypsum}} + R_{\text{airgap}}) + \left[ \frac{1}{0.2798 + \left( \frac{1}{R_{\text{added insulation}} + \left( \frac{1}{U_{\text{center of glass}}} \right)} \right)} \right] \right]$$

**Aluminum with Thermal Break  
(Equation 3-2)**

$$U_{\text{overall}} = \left[ \frac{1}{(R_{\text{gypsum}} + R_{\text{airgap}}) + \left[ \frac{1}{0.1808 + \left( \frac{1}{R_{\text{added insulation}} + \frac{0.8874}{U_{\text{center of glass}}} \right)} \right]} \right]$$

**Structural Glazing  
(Equation 3-3)**

$$U_{\text{overall}} = \left[ \frac{1}{(R_{\text{gypsum}} + R_{\text{airgap}}) + \left[ \frac{1}{0.1151 + \left( \frac{1}{R_{\text{added insulation}} + \frac{0.9487}{U_{\text{center of glass}}} \right)} \right]} \right]$$

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-303131 Table C303.1.3(1)—Default glazed ((fenestration)) window, glass door and skylight U-factors.**

**NEW SECTION**

**WAC 51-11C-30315 Table C303.1.5—U-factors for spandrel panels and glass curtain walls.**

**Table C303.1.5  
U-Factors for Spandrel Panels and Glass Curtain Walls**

Frame Type	Spandrel Panel		Rated R-Value of Insulation Between Framing Members							
			None	R-4	R-7	R-10	R-15	R-20	R-25	R-30
			A	B	C	D	E	F	G	H
Aluminum without Thermal Break	Single glass pane, stone or metal panel	1	0.360	0.242	0.222	0.212	0.203	0.198	0.195	0.193
	Double glass with no low-e coatings	2	0.297	0.233	0.218	0.209	0.202	0.197	0.194	0.192
	Triple or low-e glass	3	0.267	0.226	0.214	0.207	0.200	0.196	0.194	0.192
Aluminum with Thermal Break	Single glass pane, stone or metal panel	4	0.350	0.211	0.186	0.173	0.162	0.155	0.151	0.149
	Double glass with no low-e coatings	5	0.278	0.200	0.180	0.170	0.160	0.154	0.151	0.148
	Triple or low-e glass	6	0.241	0.191	0.176	0.167	0.159	0.153	0.150	0.148
Structural Glazing	Single glass pane, stone or metal panel	7	0.354	0.195	0.163	0.147	0.132	0.123	0.118	0.114
	Double glass with no low-e coatings	8	0.274	0.180	0.156	0.142	0.129	0.122	0.117	0.114
	Triple or low-e glass	9	0.231	0.169	0.150	0.138	0.127	0.121	0.116	0.113

**Table C303.1.3(1)**

**Default Glazed ((Fenestration)) Window, Glass Door and Skylight U-Factors**

FRAME TYPE	Window and Glass		SKY-LIGHT
	Door		
	SINGLE PANE	DOUBLE PANE	
Metal	1.20	0.80	See Table C303.1.3(4)
Metal with Thermal Break	1.10	0.65	
Nonmetal or Metal Clad	0.95	0.55	
Glazed Block	0.60		

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-303132 Table C303.1.3(2)—Default door U-factors.**

**Table C303.1.3(2)**

**Default Opaque Door U-Factors  
See Appendix A, Section A107**

		Rated R-Value of Insulation Between Framing Members								
		None	R-4	R-7	R-10	R-15	R-20	R-25	R-30	
Frame Type	Spandrel Panel	A	B	C	D	E	F	G	H	
No Framing, or Insulation is Continuous	Single glass pane, stone or metal panel	10	0.360	0.148	0.102	0.078	0.056	0.044	0.036	0.031
	Double glass with no low-e coatings	11	0.297	0.136	0.097	0.075	0.054	0.043	0.035	0.030
	Triple or low-e glass	12	0.267	0.129	0.093	0.073	0.053	0.042	0.035	0.030

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-30320 Section C303.2—Installation.**

**C303.2 Installation.** Materials, systems and equipment shall be installed in accordance with the manufacturer's instructions and the *International Building Code*.

**C303.2.1 Protection of exposed foundation insulation.**

Insulation applied to the exterior of basement walls, crawl-space walls and the perimeter of slab-on-grade floors shall have a rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend not less than 6 inches (153 mm) below grade.

**C303.2.2 Multiple layers of continuous insulation.** Where two or more layers of continuous insulation board are used in a construction assembly, the continuous insulation boards shall be installed in accordance with Section C303.2. Where the continuous insulation board manufacturer's instructions do not address installation of two or more layers, the edge joints between each layer of continuous insulation boards shall be staggered.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-30330 ((Section C303.3—Maintenance information.)) Reserved.**

~~((C303.3 Maintenance information. Maintenance instructions shall be furnished for equipment and systems that require preventive maintenance. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label shall include the title or publication number for the operation and maintenance manual for that particular model and type of product.))~~

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40100 Section C401—General.**

**C401.1 Scope.** The provisions in this chapter are applicable to commercial buildings and their building sites.

**C401.2 Application.** Commercial buildings shall comply with one of the following:

1. The requirements of Sections C402, C403, C404, C405, C406, C408, C409 and C410.

2. The requirements of Section C407(~~(C408, C409, C410, C402.5, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C405.7. The building energy consumption shall be equal to or less than 87, 90, or 93 percent of the standard reference design building, depending on the option selected per Section C407.3))~~).

3. When adopted by the local jurisdiction, the requirements of Appendix F, Outcome-Based Energy Budget, Sections C408, C409 and any specific sections in Table C407.2 as determined by the local jurisdiction. The proposed total UA of the proposed building shall be no more than 20 percent higher than the allowed total UA as defined in Section C402.1.5.

**C401.2.1 Application to existing buildings.** Work on existing buildings shall comply with Chapter 5 in addition to the applicable provisions of Chapter 4.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40210 Section C402.1—General (Prescriptive).**

**C402.1 General ((Prescriptive)).** Building thermal envelope assemblies for buildings that are intended to comply with the code on a prescriptive basis, in accordance with the compliance path described in Item 1 of Section C401.2, shall comply with the following:

1. The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of either the R-value based method of Section C402.1.3, the U-, C- and F-factor based method of Section C402.1.4, or the component performance alternative of Section C402.1.5.

2. Fenestration in building envelope assemblies shall comply with Section C402.4, or the component performance alternative of Section C402.1.5.

3. Air leakage of building envelope assemblies shall comply with Section C402.5.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40211 Section C402.1.1—Low energy buildings.**

**C402.1.1 Low energy buildings, semi-heated buildings and greenhouses.** Low energy buildings shall comply with Section C402.1.1.1. Semi-heated buildings and spaces shall comply with Section C402.1.1.2. Greenhouses shall comply with Section C402.1.1.3.

**C402.1.1.1 Low energy buildings.** The following buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this code shall be exempt from all thermal envelope provision of this code:

1. Those that are heated and/or cooled with a peak design rate of energy usage less than 3.4 Btu/h × ft<sup>2</sup> (10.7 W/m<sup>2</sup>) or 1.0 watt/ft<sup>2</sup> (10.7 W/m<sup>2</sup>) of floor area for space conditioning purposes.
2. Those that do not contain *conditioned space*.
3. ~~((Greenhouses where cooling does not include a condensing unit and that are isolated from any other conditioned space.~~
- 4.)) Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

~~((C402.1.1.1))~~ **C402.1.1.2 Semi-heated buildings and spaces.** The building envelope of *semi-heated* buildings, or portions thereof, shall comply with the same requirements as that for conditioned spaces in Section C402, except as modified by this section. The total installed output capacity of mechanical space conditioning systems serving a *semi-heated* building or space shall comply with Section C202. Building envelope assemblies separating conditioned space from *semi-heated space* shall comply with exterior envelope insulation requirements. *Semi-heated spaces* heated by mechanical systems that do not include electric resistance heating equipment are not required to comply with the opaque wall insulation provisions of Section C402.2.3 for walls that separate *semi-heated* spaces from the exterior or low energy spaces. *Semi-heated spaces* shall be calculated separately from other conditioned spaces for compliance purposes. Opaque walls in *semi-heated* spaces shall be calculated as fully code compliant opaque walls for both the target and proposed for the Target UA calculations for Component Performance compliance per Section C402.1.5, and for the Standard Reference Design for Total Building Performance compliance per Section C407. The capacity of heat trace temperature maintenance systems complying with Section C404.7.2 that are provided for freeze protection of piping and equipment only shall not be included in the total installed output capacity of mechanical space conditioning systems.

**EXCEPTION:** Building or space may comply as semi-heated when served by one or more of the following system alternatives:

1. Electric infrared heating equipment for localized heating applications.
2. Heat pumps with cooling capacity permanently disabled, as preapproved by the jurisdiction.

**C402.1.1.3 Greenhouses.** Greenhouse structures or areas that comply with all of the following shall be exempt from the building envelope requirements of this code:

1. Exterior opaque envelope assemblies comply with Sections C402.2 and C402.4.4.

**EXCEPTION:** Low energy greenhouses that comply with Section C402.1.1.1.

2. Interior partition building thermal envelope assemblies that separate the *greenhouse* from conditioned space complying with Sections C402.2, C402.4.3 and C402.4.4.

3. Nonopaque envelope assemblies complying with the thermal envelope requirements in Table C402.1.3. The *U*-factor for the nonopaque roof shall be for the roof assembly or a roof that includes the assembly and an internal curtain system.

**EXCEPTION:** Unheated greenhouses.

4. No mechanical cooling is provided.

5. For heated greenhouses, heating is provided by a radiant heating system, a condensing natural gas-fired or condensing propane-fired heating system, or a heat pump with cooling capacity permanently disabled as preapproved by the jurisdiction.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40212 Section C402.1.2—Equipment buildings.**

**C402.1.2 Equipment buildings.** Buildings that comply with all of the following shall be exempt from the building thermal envelope provisions of this code:

1. Are separate buildings with floor area no more than 500 square feet (50 m<sup>2</sup>).
2. Are intended to house electronic equipment with installed equipment power totaling at least 7 watts per square foot (75 W/m<sup>2</sup>) and not intended for human occupancy.
3. Are served by mechanical cooling and heating systems sized in accordance with Sections C403.1.2 and C403.3.1.
4. Have a heating system capacity not greater than 17,000 Btu/hr (5 kW) and a heating thermostat set point that is restricted to not more than 50°F (10°C).
- ~~((4.))~~ 5. Have an average wall and roof *U*-factor less than 0.200.

**EXCEPTION:** Where the cooling and heating system is a heat pump, the heating capacity is allowed to exceed 17,000 Btu/h provided the heat pump cooling efficiency is at least 15 percent better than the requirements in Table C403.3.2(2).

**C402.1.2.1 Standalone elevator hoistways.** Elevator hoistways that comply with all of the following shall be exempt from the building thermal envelope and envelope air barrier provisions of this code:

1. Are separate from any other conditioned spaces in the building (do not serve or open into any conditioned, semi-heated or indirectly conditioned space).
2. Have heating and/or cooling equipment sized only to serve the expected elevator loads with thermostat setpoints



restricted to heating to no higher than 40°F and cooling to no lower than 95°F.

3. Have an area weighted average wall, roof and floor (where applicable) *U*-factor of less than or equal to 0.20. Calculations must include any floor-slab-edges that penetrate the hoistway and thus are considered part of the above-grade walls.

**AMENDATORY SECTION** (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-402121 Table C402.1.3—Opaque thermal envelope assembly *R*-value requirements.**

**Table C402.1.3**

**Opaque Thermal Envelope Insulation Component Minimum Requirements, *R*-value Method<sup>a,(e)</sup> i**

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
<b>Roofs</b>		
Insulation entirely above deck	R-38ci	R-38ci
Metal buildings <sup>b</sup>	R-25 + R-11 LS	R-25 + R-11 LS
Attic and other	R-49	R-49
<b>Walls, Above Grade</b>		
Mass <sup>h</sup>	R-9.5ci <sup>e</sup>	R-13.3ci
<u>Mass transfer deck slab edge</u>	<u>R-5</u>	<u>R-5</u>
Metal buildings	R-19ci or R-13 + 13ci	R-19ci or R-13 + 13ci
Steel framed	R-13 + R-10ci	R-19 + R-8.5ci
Wood framed and other	R-21 int or R-15 + 5ci std	<del>((R-21 int))</del> R-13 + 7.5ci std or R-20 + 3.8ci std or R-25 std
<b>Walls, Below Grade</b>		
Below-grade wall <sup>d,h</sup>	Same as above grade	Same as above grade
<b>Floors</b>		
Mass <sup>f</sup>	R-30ci	R-30ci
Joist/framing	R-30 <sup>e</sup>	R-30 <sup>e</sup>
<b>Slab-on-Grade Floors</b>		
Unheated slabs	R-10 for 24" below	R-10 for 24" below
Heated slabs	R-10 perimeter & under entire slab	R-10 perimeter & under entire slab

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
<b>Opaque Doors<sup>g</sup></b>		
Nonswinging	R-4.75	R-4.75

- For SI: 1 inch = 25.4 mm. ci = Continuous insulation. NR = No requirement.
- LS = Liner system—A continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, unfaced insulation rests on top of the membrane between the purlins.
  - a Assembly descriptions can be found in Chapter 2 and Appendix A.
  - b Where using *R*-value compliance method, a thermal spacer block with minimum thickness of 1/2-inch and minimum *R*-value of R-3.5 shall be provided, otherwise use the *U*-factor compliance method in Table C402.1.4.
  - c Exception: Integral insulated concrete block walls complying with ASTM C90 with all cores filled and meeting both of the following:
    - 1. At least 50 percent of cores must be filled with vermiculite or equivalent fill insulation; and
    - 2. The building thermal envelope encloses one or more of the following uses: Warehouse (storage and retail), gymnasium, auditorium, church chapel, arena, kennel, manufacturing plant, indoor swimming pool, pump station, water and waste water treatment facility, storage facility, storage area, motor vehicle service facility. Where additional uses not listed (such as office, retail, etc.) are contained within the building, the exterior walls that enclose these areas may not utilize this exception and must comply with the appropriate mass wall *R*-value from Table C402.1.3/*U*-factor from Table C402.1.4.
  - d Where heated slabs are below grade, they shall comply with the insulation requirements for heated slabs.
  - e Steel floor joist systems shall be insulated to R-38 + R-10ci.
  - f "Mass floors" shall include floors weighing not less than:
    - 1. 35 pounds per square foot of floor surface area; or
    - 2. 25 pounds per square foot of floor surface area where the material weight is not more than 120 pounds per cubic foot.
  - g Not applicable to garage doors. See Table C402.1.4.
  - h Peripheral edges of intermediate concrete floors are included in the above-grade mass wall category and therefore must be insulated as above-grade mass walls unless they meet the definition of Mass Transfer Deck Slab Edge. The area of the peripheral edges of concrete floors shall be defined as the thickness of the slab multiplied by the perimeter length of the edge condition. See Table A103.3.7.2 for typical default *U*-factors for above-grade slab edges and footnote <sup>e</sup> for typical conditions of above-grade slab edges.
  - i For roof, wall or floor assemblies where the proposed assembly would not be continuous insulation, an alternate nominal *R*-value compliance option for assemblies with isolated metal penetrations of otherwise continuous insulation is:

Assemblies with continuous insulation (see definition)	Alternate option for assemblies with metal penetrations, greater than 0.04% but less than 0.08%	Alternate option for assemblies with metal penetrations, greater than or equal to 0.08% but less than 0.12%
R-9.5ci	R-11.9ci	R-13ci
R-11.4ci	R-14.3ci	R-15.7ci
R-13.3ci	R-16.6ci	R-18.3ci
R-15.2ci	R-19.0ci	R-21ci
R-30ci	R-38ci	R-42ci
R-38ci	R-48ci	R-53ci
R-13 + R-7.5ci	R-13 + R-9.4ci	R-13 + R-10.3ci
R-13 + R-10ci	R-13 + R-12.5ci	R-13 + R-13.8ci
R-13 + R-12.5ci	R-13 + R-15.6ci	R-13 + R-17.2ci
R-13 + R-13ci	R-13 + R-16.3ci	R-13 + R-17.9ci
R-19 + R-8.5ci	R-19 + R-10.6ci	R-19 + R-11.7ci
R-19 + R-14ci	R-19 + R-17.5ci	R-19 + R-19.2ci
R-19 + R-16ci	R-19 + R-20ci	R-19 + R-22ci
R-20 + R-3.8ci	R-20 + R-4.8ci	R-20 + R-5.3ci
R-21 + R-5ci	R-21 + R-6.3ci	R-21 + R-6.9ci

This alternate nominal *R*-value compliance option is allowed for projects complying with all of the following:

1. The ratio of the cross-sectional area, as measured in the plane of the surface, of metal penetrations of otherwise continuous insulation to the opaque surface area of the assembly is greater than 0.0004 (0.04%), but less than 0.0012 (0.12%).
2. The metal penetrations of otherwise continuous insulation are isolated or discontinuous (e.g., brick ties or other discontinuous metal attachments, offset brackets supporting shelf angles that allow insulation to go between the shelf angle and the primary portions of the wall structure). No continuous metal elements (e.g., metal studs, z-girts, z-channels, shelf angles) penetrate the otherwise continuous portion of the insulation.
3. Building permit drawings shall contain details showing the locations and dimensions of all the metal penetrations (e.g., brick ties or other discontinuous metal attachments, offset brackets, etc.) of otherwise continuous insulation. In addition, calculations shall be provided showing the ratio of the cross-sectional area of metal penetrations of otherwise continuous insulation to the overall opaque wall area.

For other cases where the proposed assembly is not continuous insulation, see Section C402.1.4 for determination of *U*-factors for assemblies that include metal other than screws and nails.

**AMENDATORY SECTION** (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40213 Section C402.1.3—Insulation component *R*-value method.**

**C402.1.3 Insulation component *R*-value-based method.** *Building thermal envelope* opaque assemblies shall ~~((meet))~~ comply with the requirements of Section C402.2 based on the climate zone specified in Chapter 3. For opaque portions of the *building thermal envelope* intended to comply on an insulation component *R*-value basis, the *R*-values for insulation

~~((in framing areas, where required, and for continuous insulation, where required,))~~ shall not be less than that specified in Table C402.1.3. Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *R*-values from the "Group R" column of Table C402.1.3. Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *R*-values from the "All other" column of Table C402.1.3. ~~((The thermal resistance or *R*-value of the insulating material installed in, or continuously on, below grade exterior walls of the building envelope required in accordance with Table C402.1.3 shall extend to the lowest floor of the conditioned space enclosed by the below grade wall. Doors having less than 50 percent opaque glass area shall be considered opaque doors. Opaque swinging doors shall comply with the Table C402.1.4 and opaque nonswinging doors shall comply with Table C402.1.3 or C402.1.4.))~~

**AMENDATORY SECTION** (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40214 Section C402.1.4—Assembly *U*-factor, *C*-factor, or *F*-factor-based method.**

**C402.1.4 Assembly *U*-factor, *C*-factor, or *F*-factor-based method.** Building thermal envelope opaque assemblies shall meet the requirements of Section C402.2 based on the climate zone specified in Chapter 3. Building thermal envelope opaque assemblies intended to comply on an assembly *U*-, *C*-, or *F*-factor basis shall have a *U*-, *C*-, or *F*-factor not greater than that specified in Table C402.1.4. Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *U*-, *C*-, or *F*-factor from the "Group R" column of Table C402.1.4. Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *U*-, *C*-, or *F*-factor from the "All other"

column of Table C402.1.4. ~~((The C-factor for the below-grade exterior walls of the building envelope, as required in accordance with Table C402.1.4, shall extend to the level of the lowest conditioned floor. Opaque swinging doors shall comply with Table C402.1.4 and opaque nonswinging doors shall comply with Table C402.1.3 or C402.1.4.))~~ The *U*-factors for typical construction assemblies are included in Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Appendix A, values shall be calculated in accordance with the ASHRAE *Handbook—Fundamentals* using the framing factors listed in Appendix A where applicable and shall include the thermal bridging effects of framing materials.

**C402.1.4.1 Thermal resistance of cold-formed steel stud walls.** *U*-factors of walls with cold-formed steel studs shall be permitted to be determined in accordance with Equation 4-1:

**Equation 4-1:**  

$$U = 1/[R_s + (ER)]$$

Where:

- $R_s$  = The cumulative *R-value* of the wall components along the path of heat transfer, excluding the cavity insulation and steel studs.
- $ER$  = The effective *R-value* of the cavity insulation with steel studs.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-402141 Table C402.1.4—Opaque thermal envelope requirements, *U*-factor method.**

**Table C402.1.4  
 Opaque Thermal Envelope Requirements<sup>a,f</sup>**

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
<b>Roofs</b>		
Insulation entirely above deck	U-0.027	U-0.027
Metal buildings	U-0.031	U-0.031
Attic and other	U-0.021	U-0.021
Joist or single rafter	U-0.027	U-0.027
<b>Walls, Above Grade</b>		
Mass <sup>g</sup>	U-0.104 <sup>d</sup>	U-0.078
Mass transfer deck slab edge	U-0.20	U-0.20
Metal building	U-0.052	U-0.052
Steel framed	U-0.055	U-0.055

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
Wood framed and other	U-0.054	<del>(U-0.054))</del> U-0.051
<b>Walls, Below Grade</b>		
Below-grade wall <sup>b,g</sup>	Same as above grade	Same as above grade
<b>Floors</b>		
Mass <sup>c</sup>	U-0.031	U-0.031
Joist/framing	U-0.029	U-0.029
<b>Slab-on-Grade Floors</b>		
Unheated slabs	F-0.54	F-0.54
Heated slabs <sup>c</sup>	F-0.55	F-0.55
<b>Opaque Doors</b>		
Swinging door	U-0.37	U-0.37
Nonswinging door	U-0.34	U-0.34
Garage door <14% glazing	U-0.31	U-0.31

- a Use of opaque assembly *U*-factors, *C*-factors, and *F*-factors from Appendix A is required unless otherwise allowed by Section C402.1.4.
- b Where heated slabs are below grade, they shall comply with the *F*-factor requirements for heated slabs.
- c Heated slab *F*-factors shall be determined specifically for heated slabs. Unheated slab factors shall not be used.
- d Exception: Integral insulated concrete block walls complying with ASTM C90 with all cores filled and meeting both of the following:
  1. At least 50 percent of cores must be filled with vermiculite or equivalent fill insulation; and
  2. The building thermal envelope encloses one or more of the following uses: Warehouse (storage and retail), gymnasium, auditorium, church chapel, arena, kennel, manufacturing plant, indoor swimming pool, pump station, water and waste water treatment facility, storage facility, storage area, motor vehicle service facility. Where additional uses not listed (such as office, retail, etc.) are contained within the building, the exterior walls that enclose these areas may not utilize this exception and must comply with the appropriate mass wall *R*-value from Table C402.1.3/*U*-factor from Table C402.1.4.
- e "Mass floors" shall include floors weighing not less than:
  1. 35 pounds per square foot of floor surface area; or
  2. 25 pounds per square foot of floor surface area where the material weight is not more than 120 pounds per cubic foot.
- f Opaque assembly *U*-factors based on designs tested in accordance with ASTM C1363 shall be permitted. The *R*-value of continuous insulation shall be permitted to be added or subtracted from the original test design.
- g Peripheral edges of intermediate concrete floors are included in the above-grade mass wall category and therefore must be insulated as above-grade mass walls unless they meet the definition of Mass Transfer Deck Slab Edge. The area of the peripheral edges of concrete floors shall be defined as the thickness of the slab multiplied by the perimeter length of the edge condition. See Table A103.3.7.2 for typical default *U*-factors for above-grade slab edges and footnote <sup>c</sup> for typical conditions of above-grade slab edges.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40220 Section C402.2—Specific insulation requirements.**

**C402.2 Specific building thermal envelope insulation requirements (~~((Prescriptive))~~).** Insulation in building thermal envelope opaque assemblies shall comply with Sections C402.2.1 through C402.2.6 and Table C402.1.3.

Where this section refers to installing insulation levels as specified in Section C402.1.3, assemblies complying with Section C402.1.4 and buildings complying with Section C402.1.5 are allowed to install alternate levels of insulation so long as the *U*-factor of the insulated assembly is less than or equal to the *U*-factor required by the respective path.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40221 Section C402.2.1—(~~(Multiple layers of continuous insulation)~~) Roof assembly.**

**C402.2.1 (~~(Multiple layers of continuous insulation.~~ Where two or more layers of continuous insulation board are used in a construction assembly, the continuous insulation boards shall be installed in accordance with Section C303.2. If the continuous insulation board manufacturer's installation instructions do not address installation of two or more layers, the edge joints between each layer of continuous insulation boards shall be staggered.) Roof assembly.** The minimum thermal resistance (*R*-value) of the insulating material installed either between the roof framing or continuously on the roof assembly shall be as specified in Table C402.1.3, based on construction materials used in the roof assembly. Continuous insulation board shall be installed in not less than 2 layers and the edge joints between each layer of insulation shall be staggered. Insulation installed on a suspended ceiling with removable ceiling tiles shall not be considered part of the minimum thermal resistance of the roof insulation.

EXCEPTIONS:

1. Continuously insulated roof assemblies where the thickness of insulation varies 1 inch (25 mm) or less and where the area-weighted *U*-factor is equivalent to the same assembly with the *R*-value specified in Table C402.1.3.
2. Where tapered insulation is used with insulation entirely above deck, those roof assemblies shall show compliance on a *U*-factor basis per Section C402.1.4. The effective *U*-factor shall be determined through the use of Tables A102.2.6(1), A102.2.6(2) and A102.2.6(3).
3. Two layers of insulation are not required where insulation tapers to the roof deck, such as at roof drains. At roof drains, the immediate 24 inch by 24 inch plan area around each roof drain has a minimum insulation requirement of R-13, but otherwise is permitted to be excluded from the roof insulation area-weighted calculations.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40221 (~~(Reserved)~~) Skylight curbs.**

**C402.2.1.1 Skylight curbs.** Skylight curbs shall be insulated to the level of roofs with insulation entirely above deck or R-5, whichever is less.

EXCEPTION: Unit skylight curbs included as a component of a skylight listed and labeled in accordance with NFRC 100 shall not be required to be insulated.

**C402.2.1.2 Rooftop HVAC equipment curbs.** Structural curbs installed to support rooftop HVAC equipment are allowed to interrupt the above roof insulation. The area under the HVAC equipment inside of the equipment curb shall be insulated to a minimum of R-13 in all locations where there are not roof openings for ductwork. The annular space between the roof opening and the ductwork shall be sealed to maintain the building air barrier. The plan-view area of the HVAC equipment curb shall be excluded from the prescriptive roof insulation requirements or the area-weighted component performance calculations.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40222 (~~(Section C402.2.2—Roof assembly)~~) Reserved.**

~~((C402.2.2 Roof assembly. The minimum thermal resistance (*R*-value) of the insulating material installed either between the roof framing or continuously on the roof assembly shall be as specified in Table C402.1.3, based on construction materials used in the roof assembly. Skylight curbs shall be insulated to the level of roofs with insulation entirely above deck or R-5, whichever is less.~~

EXCEPTIONS:

1. Continuously insulated roof assemblies where the thickness of insulation varies 1 inch (25 mm) or less and where the area-weighted *U*-factor is equivalent to the same assembly with the *R*-value specified in Table C402.1.3.
2. Where tapered insulation is used with insulation entirely above deck, those roof assemblies shall show compliance on a *U*-factor basis per Section C402.1.4. The effective *U*-factor shall be determined through the use of Tables A102.2.6(1), A102.2.6(2) and A102.2.6(3).
3. Unit skylight curbs included as a component of a skylight listed and labeled in accordance with NFRC 100 shall not be required to be insulated.

~~Insulation installed on a suspended ceiling with removable ceiling tiles shall not be considered part of the minimum thermal resistance of the roof insulation.)~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40223 Section C402.2.3—Above-grade walls.**

**C402.2.3 (~~(Thermal resistance of)~~) Above-grade walls.** The minimum thermal resistance (*R*-value) of materials installed in the wall cavity between the framing members and continuously on the walls shall be as specified in Table C402.1.3, based on framing type and construction materials used in the wall assembly. The *R*-value of integral insulation

installed in concrete masonry units (CMU) shall not be used in determining compliance with Table C402.1.3 except as otherwise noted in the table. In determining compliance with Table C402.1.4, the use of the *U*-factor of concrete masonry units with integral insulation shall be permitted.

"Mass walls" ~~((shall include walls))~~ where used as a component in the thermal envelope of a building shall comply with one of the following:

1. ~~((Weighing))~~ Weigh not less than 35 psf (170 kg/m<sup>2</sup>) of wall surface area.
2. ~~((Weighing))~~ Weigh not less than 25 psf (120 kg/m<sup>2</sup>) of wall surface area where the material weight is not more than 120 pounds per cubic foot (pcf) (1,900 kg/m<sup>3</sup>).
3. ~~((Having))~~ Have a heat capacity exceeding 7 Btu/ft<sup>2</sup> x °F (144 kJ/m<sup>2</sup> x K).
4. ~~((Having))~~ Have a heat capacity exceeding 5 Btu/ft<sup>2</sup> x °F (103 kJ/m<sup>2</sup> x K) where the material weight is not more than 120 pcf (1900 kg/m<sup>3</sup>).

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40224 Section C402.2.4—Below-grade walls.**

**C402.2.4** ~~((Thermal resistance of))~~ Below-grade walls. The ~~((minimum thermal resistance (R)-value))~~ *R*-value of the insulating material installed in, or continuously on, the below-grade walls shall be ~~((as specified))~~ in accordance with Table C402.1.3. The *C*-factor or *R*-value required shall extend to the level of the lowest floor of the conditioned space enclosed by the below-grade wall.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40225 Section C402.2.5—Floors.**

**C402.2.5 Floors.** The thermal properties (component *R*-values or assembly *U*- or *F*-factors) of floor assemblies over outdoor air or unconditioned space shall be as specified in Table C402.1.3 or C402.1.4 based on the construction materials used in the floor assembly. Floor framing cavity insulation or structural slab insulation shall be installed to maintain permanent contact with the underside of the subfloor decking or structural slabs.

"Mass floors" where used as a component of the thermal envelope of a building shall provide one of the following weights:

1. 35 pounds per square foot of floor surface area;
2. 25 pounds per square foot of floor surface area where the material weight is not more than 120 pounds per cubic foot.

EXCEPTIONS: 1. The floor framing cavity insulation or structural slab insulation shall be permitted to be in contact with the top side of sheathing or continuous insulation installed on the bottom side of floor assemblies where combined with insulation that meets or exceeds the minimum *R*-value in Table C402.1.3 for "Metal framed" or "Wood framed and other" values for "Walls, Above Grade" and extends from the bottom to the top of all perimeter floor framing or floor assembly members.

2. Insulation applied to the underside of concrete floor slabs shall be permitted an air space of not more than 1 inch where it turns up and is in contact with the underside of the floor under walls associated with the *building thermal envelope*.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40227** ~~((Reserved))~~ **Airspaces.** Where the thermal properties of airspaces are used to comply with this code in accordance with Section C401.2, such airspaces shall be enclosed in an unventilated cavity constructed to minimize airflow into and out of the enclosed airspace. Airflow shall be deemed minimized where the enclosed airspace is located on the interior side of the continuous air barrier and is bounded on all sides by building components.

EXCEPTION: The thermal resistance of airspaces located on the exterior side of the continuous air barrier and adjacent to and behind the exterior wall covering material shall be determined in accordance with ASTM C1363 modified with an airflow entering the bottom and exiting the top of the airspace at a minimum air movement rate of not less than 70 mm/sec.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40228 Section C402.2.8—Insulation of radiant heating systems.**

**C402.2.8 Insulation of radiant heating systems.** *Radiant heating system* panels, and their associated components that are installed in interior or exterior assemblies shall be insulated ~~((with a minimum of))~~ to an *R*-value of not less than  $R-3.5$  ( $(0.62 \text{ m}^2/\text{K} \times W)$ ) on all surfaces not facing the space being heated. *Radiant heating system* panels that are installed in the *building thermal envelope* shall be separated from the exterior of the building or unconditioned or exempt spaces by not less than the *R*-value of insulation installed in the opaque assembly in which they are installed or the assembly shall comply with Section C402.1.4.

EXCEPTION: Heated slabs on grade insulated in accordance with Section C402.2.6.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40230 Section C402.4—Fenestration** ~~((Prescriptive))~~.

**C402.3 Reserved.**

**C402.4 Fenestration** ~~((Prescriptive))~~. Fenestration shall comply with Sections C402.4 through C402.4.4 and Table C402.4. Daylight responsive controls shall comply with this section and Section C405.2.4.1.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-402300 Table C402.4—Building envelope requirements—Fenestration.**

**Table C402.4**

**Building Envelope Fenestration Maximum U-factor and SHGC Requirements**

<u>CLIMATE ZONE</u>	<u>5 AND MARINE 4</u>	
<b>Vertical Fenestration</b>		
<b>U-factor</b>		
Nonmetal framing (all) <sup>a</sup>	0.30	
Metal framing (fixed) <sup>b</sup>	0.38	
Metal framing (operable) <sup>c</sup>	0.40	
Metal framing (entrance doors) <sup>d</sup>	0.60	
<b>SHGC</b>		
Orientation	SEW	N
PF < 0.2	0.40	0.53
0.2 < PF < 0.5	0.48	0.58
PF > 0.5	0.64	0.64
<b>Skylights</b>		
<b>U-factor</b>		
0.50		
<b>SHGC</b>		
0.35))		

<u>CLIMATE ZONE</u>	<u>5 AND MARINE 4</u>	
<b>U-factor for Class AW windows rated in accordance with AAMA/CSA101/LS.2/A440, vertical curtain walls and site-built fenestration products<sup>a</sup></b>		
Fixed <sup>b</sup> U-factor	U-0.38	
Operable <sup>c</sup> U-factor	U-0.40	
<b>Entrance doors<sup>d</sup></b>		
U-factor	U-0.60	
<b>U-factor for all other vertical fenestration</b>		
U-factor	U-0.30	
<b>SHGC for all vertical fenestration</b>		
Orientation <sup>e,f</sup>	SEW	N
PF < 0.2	0.38	0.51
0.2 < PF < 0.5	0.46	0.56
PF > 0.5	0.61	0.61
<b>Skylights</b>		
U-factor	U-0.50	
SHGC	0.35	

((NR=No requirement.))

<sup>a</sup> ("Nonmetal framing" includes framing materials other than metal, with or without metal reinforcing or cladding) U-factor and SHGC shall be rated in accordance with NFRC 100.

<sup>b</sup> ("Metal framing" includes metal framing, with or without thermal break.) "Fixed" includes curtain wall, storefront, picture windows, and other fixed windows.

<sup>c</sup> ("Metal framing" includes metal framing, with or without thermal break.) "Operable" includes operable fenestration products other than "entrance doors."

<sup>d</sup> ("Metal framing" includes metal framing, with or without thermal break.) "Entrance door" includes glazed swinging entrance doors. Other doors which are not entrance doors, including sliding glass doors, are considered "operable."

<sup>e</sup> "N" indicates vertical fenestration oriented within 30 degrees of true north. "SEW" indicates orientations other than "N."

<sup>f</sup> Fenestration that is entirely within the conditioned space or is between conditioned and other enclosed space is exempt from solar heat gain coefficient requirements and not included in the SHGC calculation.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40231 Section C402.4.1—Maximum area.**

**C402.4.1 Maximum area.** The total building vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed 30 percent of the total building gross above-grade wall area. The skylight area shall not exceed 5 percent of the total building gross roof area (skylight-to-roof ratio).

For buildings with more than one space conditioning category, compliance with the maximum allowed window-to-wall ratio and skylight-to-roof ratio shall be demonstrated separately for each space conditioning category. Interior partition ceiling, wall, fenestration and floor areas that separate space conditioning areas shall not be applied to the window-to-wall ratio and skylight-to-roof ratio calculations.

**C402.4.1.1 ((Increased)) Vertical fenestration maximum area with ((daylight responsive controls.** A maximum of 40 percent of the gross above-grade wall area shall be permitted to be vertical fenestration for the purpose of prescriptive compliance with Section C402.1.4 or for the component performance alternative in Section C402.1.5, provided all of the following requirements are met:

1. In buildings not greater than two stories above grade, ~~no~~) **high performance alternates.** For buildings that comply with Section C402.4.1.1.1 or C402.4.1.1.2, the total building vertical fenestration area is permitted to exceed 30 percent but shall not exceed 40 percent of the gross above grade wall area for the purpose of prescriptive compliance with Section C402.1.4.

When determining compliance using the component performance alternative in Section C402.1.5, the total building vertical fenestration area allowed in Equation 4-2 is 40 percent of the above grade wall area for buildings that comply with the vertical fenestration alternates described in this section.

These alternates are not permitted to be used for total building performance compliance using Section C407.

**C402.4.1.1.1 Optimized daylighting.** All of the following requirements shall be met:

1. Not less than 50 percent of the total conditioned floor area in the building is within a *daylight zone* that includes *daylight responsive controls* complying with Section C405.2.4.1.

2. ((In buildings three or more stories above grade, not less than 25 percent of the net floor area is within a *daylight zone*;

3. ~~Daylight responsive controls~~ complying with Section C405.2.4.1 are installed in daylight zones.

4.)) Visible transmittance (VT) of all *vertical fenestration in the building* is greater than or equal to 1.1 times solar heat gain coefficient (SHGC), or 0.50, whichever is greater.

EXCEPTION: Fenestration that is outside the scope of NFRC 200 is not required to comply with Item ((4)) 2.

~~((C402.4.1.2 Reserved;~~

~~C402.4.1.3)) C402.4.1.1.2 Increased vertical fenestration area with high-performance fenestration.~~ ((The vertical fenestration area (not including opaque doors and opaque spandrel panels) is permitted to exceed 30 percent but shall not exceed 40 percent of the gross above-grade wall area, for the purpose of prescriptive compliance with Section C402.1.3 provided that each of the following conditions are met:

~~1. The vertical fenestration shall have)) All of the following requirements shall be met:~~

~~1. All vertical fenestration in the building shall comply with the following U-factors:~~

~~a. ((Nonmetal framing (all) = 0.28)) U-factor for Class AW windows rated in accordance with AAMA/CSA101/I.S.2/A440, vertical curtain walls and site-built fenestration products (fixed) = 0.34~~

~~b. ((Metal framing (fixed) = 0.34)) U-factor for Class AW windows rated in accordance with AAMA/CSA101/I.S.2/A440, vertical curtain walls and site-built fenestration products (operable) = 0.36~~

~~c. ((Metal framing (operable) = 0.36)) Entrance doors = 0.60~~

~~d. ((Metal framing (entrance doors) = 0.60)) U-factor for all other vertical fenestration = 0.28~~

2. The SHGC of the vertical fenestration shall be less than or equal to 0.35, adjusted for projection factor in compliance with C402.4.3.

An area-weighted average shall be permitted to satisfy the U-factor requirement for each fenestration product category listed in Item 1 of this section. Individual fenestration products from different fenestration product categories shall

not be combined in calculating the area-weighted average U-factor.

((The compliance path described in this section is not permitted to be used for the total building performance compliance path in Section C407. The compliance path described in this section is permitted to be used for the component performance alternative in Section C402.1.5, provided that the requirements of Section C402.1.5 are met.

~~C402.4.1.4 Increased vertical fenestration area with high-performance mechanical systems.~~ The vertical fenestration area (not including opaque doors and opaque spandrel panels) is permitted to exceed 30 percent but shall not exceed 40 percent of the gross above-grade wall area, for the purpose of prescriptive compliance with Section C402.1.4 or for the component performance alternative in Section C402.1.5, provided that the mechanical system complies with all requirements of Section C403.6. Dedicated outdoor air systems (DOAS) without utilizing the exceptions to Section C403.6. This increased glazing fraction is not permitted to be used to establish the reference case for the Total Building Performance compliance path in Section C407.))

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40232 Section C402.4.2—Minimum skylight fenestration area.**

**C402.4.2 Minimum skylight fenestration area.** For ((single story buildings only, in an)) buildings with single story enclosed spaces greater than 2,500 square feet (232 m<sup>2</sup>) in floor area(;) that are directly under a roof ((with not less than 75 percent of the ceiling area with)) and have a ceiling height greater than 15 feet (4572 mm)((, and used as an)) for no less than 75 percent of the ceiling area, these single-story spaces shall be provided with skylights and daylight responsive controls in accordance with Section C405.2.4. Space types required to comply with this provision include office, lobby, atrium, concourse, corridor, gymnasium/exercise center, convention center, automotive service, manufacturing, nonrefrigerated warehouse, retail store, distribution/sorting area, transportation, ((or workshop, skylights)) and workshop. Skylights in these spaces are required to provide a total ((toplight daylight)) *toplit zone* area not less than ((half)) 50 percent of the floor area and shall provide one of the following:

1. A minimum ratio of skylight area to ((toplight daylight)) *toplit zone* area under skylights of not less than 3 percent where all skylights have a VT of at least 0.40 as determined in accordance with Section C303.1.3.

2. A minimum skylight effective aperture of at least 1 percent determined in accordance with Equation 4-5.

$$\text{Skylight Effective Aperture} = \frac{(0.85 \times \text{Skylight Area} \times \text{Skylight VT} \times \text{WF})}{(\text{Daylight zone under skylight}) \text{ Toplit zone}}$$

(Equation 4-5)

Where:

- Skylight area = Total fenestration area of skylights.
- Skylight VT = Area weighted average visible transmittance of skylights.
- WF = Area weighted average well factor, where well factor is 0.9 if light well depth is less than 2 feet (610 mm), or 0.7 if light well depth is 2 feet (610 mm) or greater, or 1.0 for *tubular daylighting devices (TDD)* with *VT-annual ratings measured in accordance with NFRC 203*.
- Light well depth = Measure vertically from the underside of the lowest point of the skylight glazing to the ceiling plane under the skylight.

- EXCEPTIONS:
1. Skylights above daylight zones of enclosed spaces are not required in:
    - (1-) 1.1. Reserved.
    - (2-) 1.2. Spaces where the designed *general lighting* power densities are less than 0.5 W/ft<sup>2</sup> (5.4 W/m<sup>2</sup>) and at least 10 percent lower than the lighting power allowance in Section C405.4.2.
    - (3-) 1.3. Areas where it is documented that existing structures or natural objects block direct beam sunlight on at least half of the roof over the enclosed area for more than 1,500 daytime hours per year between 8 a.m. and 4 p.m.
    - (4-) 1.4. Spaces where the daylight zone under rooftop monitors is greater than 50 percent of the enclosed space floor area.
    - (5-) 1.5. Spaces where the total floor area minus the (~~sidelight daylight~~) *sidelit zone* area is less than 2,500 square feet (232 m<sup>2</sup>), and where the lighting in the daylight zone is controlled in accordance with Section C405.2.3.1.
      2. The skylight effective aperture, calculated in accordance with Equation 4-5, is permitted to be 0.66 percent in lieu of 1 percent if the *VT-annual* of the skylight or *TDD*, as measured by NFRC 203, is greater than 38 percent.

**C402.4.2.1 Lighting controls in daylight zones under skylights.** Daylight responsive controls complying with Section C405.2.4.1 shall be provided to control all electric lights within (~~daylight~~) *toplit* zones.

**C402.4.2.2 Haze factor.** Skylights in office, storage, automotive service, manufacturing, nonrefrigerated warehouse, retail store, and distribution/sorting area spaces shall have a glazing material or diffuser with a haze factor greater than 90 percent when tested in accordance with ASTM D 1003.

- EXCEPTION: Skylights designed and installed to exclude direct sunlight entering the occupied space by the use of fixed or automated baffles, or the geometry of skylight and light well.

**C402.4.2.3 Daylight zones.** Daylight zones referenced in Sections C402.4.1.1 through C402.4.2.2 shall comply with Section C405.2.4.2 and C405.2.4.3, as applicable. Daylight zones shall include *toplit zones* and *sidelit zones*.

**AMENDATORY SECTION** (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40234 Section C402.4.4—Doors.**

**C402.4.4 Doors.** Opaque *swinging* doors shall comply with (~~the applicable requirements for doors as specified in Tables C402.1.3 and C402.1.4 and~~) *Table C402.1.4*. Opaque *non-swinging* doors shall comply with *Table C402.1.3*. Opaque *doors shall* be considered part of the gross area of above grade walls that are part of the *building thermal envelope*. Other doors shall comply with the provisions of Section C402.4.3 for vertical fenestration and the entire door area, including the frame, shall be considered part of the fenestration area of the building thermal envelope.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40240 Section C402.5—Air leakage-thermal envelope.**

**C402.5 Air leakage-thermal envelope (~~(Mandatory)~~).** The thermal envelope of buildings shall comply with Sections C402.5.1 through C402.5.8.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40241 Section C402.5.1—Air barriers.**

**C402.5.1 Air barriers.** A continuous air barrier shall be provided throughout the building thermal envelope. The air barriers shall be permitted to be located on the inside or outside of the building envelope, located within the assemblies composing the envelope, or any combination thereof. The air barrier shall comply with Sections C402.5.1.1 and C402.5.1.2.

**C402.5.1.1 Air barrier construction.** The *continuous air barrier* shall be constructed to comply with the following:

1. The air barrier shall be continuous for all assemblies that are the thermal envelope of the building and across the joints and assemblies.

2. Air barrier joints and seams shall be sealed, including sealing transitions in places and changes in materials. The joints and seals shall be securely installed in or on the joint for its entire length so as not to dislodge, loosen or otherwise impair its ability to resist positive and negative pressure from wind, stack effect and mechanical ventilation.

3. Penetrations of the air barrier shall be caulked, gasketed or otherwise sealed in a manner compatible with the construction materials and location. Sealing shall allow for expansion, contraction and mechanical vibration. Joints and (~~seals~~) seams associated with penetrations shall be sealed in the same manner or taped (~~or covered with moisture vapor-permeable wrapping material~~). Sealing materials shall be (~~appropriate to the construction materials being sealed and shall be~~) securely installed around the penetration so as not



to dislodge, loosen or otherwise impair the penetrations' ability to resist positive and negative pressure from wind, stack effect, and mechanical ventilation. Sealing of concealed fire sprinklers, where required, shall be in a manner that is recommended by the manufacturer. Caulking or other adhesive sealants shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.

4. Recessed lighting fixtures shall comply with Section C402.5.8. Where similar objects are installed which penetrate the air barrier, provisions shall be made to maintain the integrity of the air barrier.

5. Construction documents shall contain a diagram showing the building's pressure boundary in plan(s) and section(s) and a calculation of the area of the pressure boundary to be considered in the test.

**C402.5.1.2 Building test.** The completed building shall be tested and the air leakage rate of the *building envelope* shall not exceed ~~((0.40))~~ 0.25 cfm/ft<sup>2</sup> at a pressure differential of 0.3 inches water gauge (2.0 L/s • m<sup>2</sup> at 75 Pa) at the upper 95 percent confidence interval in accordance with ASTM E 779 or an equivalent method approved by the code official. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the building owner and the Code Official. ~~((If the tested rate exceeds that defined here, a visual inspection of the air barrier shall be conducted and any leaks noted shall be sealed to the extent practicable. An additional report identifying the corrective actions taken to seal air leaks shall be submitted to the building owner and the Code Official and any further requirement to meet the leakage air rate will be waived.))~~

1. Test shall be accomplished using either (1) both pressurization and depressurization or (2) pressurization alone, but not depressurization alone. The test results shall be plotted against the corrected P in accordance with Section 9.4 of ASTM E 779.

2. The test pressure range shall be from 25 Pa to 80 Pa per Section 8.10 of ASTM E 779, but the upper limit shall not be less than 50 Pa, and the difference between the upper and lower limit shall not be less than 25 Pa.

3. If the pressure exponent  $n$  is less than 0.45 or greater than 0.85 per Section 9.6.4 of ASTM E 779, the test shall be rerun with additional readings over a longer time interval.

**C402.5.1.2.1 Building test for mixed-use buildings.** Where a building is three or fewer stories above grade plane and contains both commercial and residential uses, the air barrier of the R-2 and R-3 occupancy areas of the building is permitted to be separately tested according to Section R402.4.1.2. Alternatively, it is permissible to test the air barrier of the entire building according to Section C402.5.1.2, provided that the tested air leakage rate does not exceed the rate specified in Section C402.5.1.2.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40243 Section C402.5.3—Rooms containing fuel-burning appliances.**

**C402.5.3 Rooms containing fuel-burning appliances.** Where ~~((open))~~ combustion air ~~((ducts provide combustion air to open combustion))~~ is supplied through openings in an exterior wall to a room or space containing a space conditioning fuel-burning appliance~~((s, the appliances and combustion air openings))~~, one of the following shall apply:

1. The room or space containing the appliance shall be located outside of the building thermal envelope ~~((or enclosed in a room)).~~

2. The room or space containing the appliance shall be enclosed and isolated from conditioned spaces inside the building thermal envelope. Such rooms shall ~~((be sealed and insulated in accordance with the envelope requirements of))~~ comply with all of the following:

2.1. The walls, floor and ceiling that separate the enclosed room or space from the conditioned spaces shall be insulated to be at least equivalent to the insulation requirement of below grade walls as specified in Table C402.1.3 or C402.1.4~~((, where)).~~

2.2. The walls, floors and ceilings ~~((shall meet the minimum of the below-grade wall R-value requirement.))~~ that separate the enclosed room or space from conditioned spaces shall be sealed in accordance with Section C402.5.1.1.

2.3. The doors into the enclosed room or space shall be fully gasketed~~((, and any)).~~

2.4. Water lines and ducts in the enclosed room or space shall be insulated in accordance with Section C403. ~~((The combustion))~~

2.5. Where the air duct supplying combustion air to the enclosed room or space passes through conditioned space, the duct shall be insulated~~((, where it passes through conditioned space, to a minimum of))~~ to an R-value of not less than R-8.

EXCEPTION(S): ~~((1- Direct vent appliances with both intake and exhaust pipes installed continuous to the outside.~~

2-)) Fireplaces and stoves complying with Sections 901 through 905 of the *International Mechanical Code*, and Section 2111.13 of the *International Building Code*.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40244 Section C402.5.4—Doors and access openings.**

**C402.5.4 Doors and access openings to shafts, chutes, stairways, and elevator lobbies.** Doors and access openings from conditioned space to shafts, chutes, stairways and elevator lobbies shall be gasketed, weatherstripped or sealed.

EXCEPTIONS: 1. Door openings required to comply with Section ~~((715-4))~~ 716 of the *International Building Code*.

2. Doors and door openings required to comply with UL 1784 by the *International Building Code*.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40245 Section C402.5.5—Air intakes, exhaust openings, stairways and shafts.**

**C402.5.5 Air intakes, exhaust openings, stairways and shafts.** Stairway enclosures, elevator shaft vents and other

outdoor air intakes and exhaust openings integral to the building envelope shall be provided with dampers in accordance with Section ~~((C403.2.4.3))~~ C403.7.9.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40246 Section C402.5.6—Loading dock weatherseals.**

**C402.5.6 Loading dock weatherseals.** Cargo door(~~(s))~~ openings and loading dock door(~~(s))~~ openings shall be equipped with weatherseals (~~((t))~~) that restrict infiltration ((when)) and provide direct contact along the top and sides of vehicles that are parked in the doorway.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40247 Section C402.5.7—Vestibules.**

**C402.5.7 Vestibules.** All building entrances shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices. Vestibules shall be designed so that in passing through the vestibule it is not necessary for the interior and exterior doors to open at the same time. The installation of one or more revolving doors in the building entrance shall not eliminate the requirement that a vestibule be provided on any doors adjacent to revolving doors. For the purposes of this section, "building entrances" shall include exit-only doors in buildings where separate doors for entering and exiting are provided.

Interior and exterior doors shall have a minimum distance between them of not less than 7 feet. The exterior envelope of conditioned vestibules shall comply with the requirements for a conditioned space. Either the interior or exterior envelope of unconditioned vestibules shall comply with the requirements for a conditioned space. The building lobby is not considered a vestibule.

EXCEPTION: Vestibules are not required for the following:

1. Doors not intended to be used as building entrances.
2. Unfinished ground-level space greater than 3,000 square feet (298 m<sup>2</sup>) if a note is included on the permit documents at each exterior entrance to the space stating "Vestibule required at time of tenant build-out if entrance serves a space greater than 3,000 square feet in area."
3. Doors opening directly from a *sleeping unit* or dwelling unit.
4. Doors between ~~((a))~~ an enclosed space smaller than 3,000 square feet (298 m<sup>2</sup>) in area and the exterior of the building or the building entrance lobby, where those doors do not comprise one of the primary building entrance paths to the remainder of the building. The space must be enclosed and separated without transfer air paths from the primary building entrance paths. If there are doors between the space and the primary entrance path, then the doors shall be equipped with self-closing devices so the space acts as a vestibule for the primary building entrance.
5. Revolving doors.

6. Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

7. In buildings less than 3 stories above grade or in spaces that do not directly connect with the building elevator lobby, doors that have an air curtain with a velocity of not less than 6.56 feet per second (2 m/s) at the floor that have been tested in accordance with ANSI/AMCA 220 and installed in accordance with the manufacturer's instructions. Manual or automatic controls shall be provided that will operate the air curtain with the opening and closing of the door. Air curtains and their controls shall comply with Section C408.2.3.

8. Building entrances in buildings that are less than four stories above grade and less than 10,000 ft<sup>2</sup> in area.

9. Elevator doors in parking garages provided that the elevators have an enclosed lobby at each level of the garage.

10. Entrances to semi-heated spaces.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40310 Section C403.1—General.**

**C403.1 General.** Mechanical systems and equipment serving heating, cooling, ventilating, and other needs shall comply with ~~((Section C403.2 and shall comply with Sections C403.3 and C403.4 based on the equipment and systems provided))~~ this section.

EXCEPTIONS: 1. Energy using equipment used by a manufacturing, industrial or commercial process other than for conditioning spaces or maintaining comfort and amenities for the occupants and not otherwise regulated by ((C403.2.3, Tables C403.2.3)) Section C403.3.2, Tables C403.3.2 (1) through ((+0)) (12) inclusive, ((C403.2.4.5, C403.2.4.6, C403.2.7, C403.2.9, C403.5.4)) Sections C403.7.8, C403.9.5, C403.10.3, C403.11.2, C403.11.3, C404.2, Table C404.2, C405.8 and C410. ((Data center)) *Computer room* HVAC equipment is not covered by this exception.

2. Data center systems are exempt from Sections C403.4 and C403.5.

**C403.1.1 HVAC total system performance ratio (HVAC TSPR).** For systems serving office, retail, library, and education occupancies subject to the requirements of Section C403.3.5 without exceptions, the HVAC total system performance ratio (HVAC TSPR) of the proposed design HVAC system shall be more than or equal to the HVAC TSPR of the standard reference design as calculated according to Appendix D, Calculation of HVAC Total System Performance Ratio.

EXCEPTIONS: 1. Buildings with conditioned floor area less than 5,000 square feet.  
2. HVAC systems using district heating water, chilled water or steam.  
3. HVAC systems not included in Table D601.10.1.  
4. HVAC systems with chilled water supplied by absorption chillers, heat recovery chillers, water to water heat pumps, air to water heat pumps, or a combination of air and water cooled chillers on the same chilled water loop.  
5. HVAC systems served by heating water plants that include air to water or water to water heat pumps.

6. Underfloor air distribution HVAC systems.
7. Space conditioning systems that do not include *mechanical cooling*.
8. Alterations to existing buildings that do not substantially replace the entire HVAC system.
9. HVAC systems meeting all the requirements of the *standard reference design HVAC system* in Table D602.11, Standard Reference Design HVAC Systems.

**C403.1.2 Calculation of heating and cooling loads.** Design loads associated with heating, ventilating and air conditioning of the building shall be determined in accordance with the procedures described in ANSI/ASHRAE/ACCA Standard 183 or by an *approved* equivalent computational procedure, using the design parameters specified in Chapter 3. Heating and cooling loads shall be adjusted to account for load reductions that are achieved where energy recovery systems are utilized in the HVAC system in accordance with the *ASHRAE HVAC Systems and Equipment Handbook* by an *approved* equivalent computational procedure.

**C403.1.3 Data centers.** *Data center systems* shall comply with Sections 6 and 8 of ASHRAE Standard 90.4 with the following changes:

1. Replace design MLC in ASHRAE Standard 90.4 Table 6.2.1.1 "Maximum Design Mechanical Load Component (Design MLC)" with the following per the applicable climate zone:

Zone 4C Design MLC = 0.22    Zone 5B Design MLC = 0.24

2. Replace annualized MLC values of Table 6.2.1.2 "Maximum Annualized Mechanical Load Component (Annualized MLC)" in ASHRAE Standard 90.4 with the following per applicable climate zone:

Zone 4C Annual MLC = 0.18    Zone 5B Annual MLC = 0.17

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40320 Section C403.2—(~~Provisions applicable to all mechanical~~) System(s) design.**

**C403.2 (~~Provisions applicable to all mechanical systems (Mandatory)~~) System design.** Mechanical systems (~~and equipment serving the building heating, cooling or ventilating needs~~) shall be designed to comply with Sections C403.2.1 (~~through C403.2.13~~) and C403.2.2. Where elements of a building's mechanical systems are addressed in Sections C403.3 through C403.11, such elements shall comply with the applicable provisions of those sections.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40321 Section C403.2.1—(~~Calculation of heating and cooling loads~~) Zone isolation.**

**C403.2.1 (~~Calculation of heating and cooling loads.~~** Design loads associated with heating, ventilating and air conditioning of the building shall be determined in accordance with the procedures described in ANSI/ASHRAE/ACCA Standard 183 or by an *approved* equivalent computational

procedure, using the design parameters specified in Chapter 3. Heating and cooling loads shall be adjusted to account for load reductions that are achieved where energy recovery systems are utilized in the HVAC system in accordance with the *ASHRAE HVAC Systems and Equipment Handbook* by an *approved* equivalent computational procedure.) **Zone isolation required.** HVAC systems serving zones that are intended to operate or be occupied nonsimultaneously shall be divided into isolation areas. Zones may be grouped into a single isolation area provided it does not exceed 25,000 square feet (2323 m<sup>2</sup>) of conditioned floor area nor include more than one floor. Each isolation area shall be equipped with isolation devices and controls configured to automatically shut off the supply of conditioned air and outdoor air to and exhaust air from the isolation area. Each isolation area shall be controlled independently by a device meeting the requirements of Section C403.4.2.2. Central systems and plants shall be provided with controls and devices that will allow system and equipment operation for any length of time while serving only the smallest isolation area served by the system or plant.

- EXCEPTIONS:**
1. Exhaust air and outdoor air connections to isolation areas where the fan system to which they connect is not greater than 5,000 cfm (2360 L/s).
  2. Exhaust airflow from a single isolation area of less than 10 percent of the design airflow of the exhaust system to which it connects.
  3. Isolation areas intended to operate continuously or intended to be inoperative only when all other isolation areas in a zone are inoperative.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40322 Section C403.2.2—(~~Equipment and systems sizing~~) Ventilation and exhaust.**

**C403.2.2 (~~Equipment and system sizing.~~** The output capacity of heating and cooling equipment shall be no greater than that of the smallest available equipment size that exceeds the loads calculated in accordance with Section C403.2.1. A single piece of equipment providing both heating and cooling shall satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.

- EXCEPTIONS:**
1. Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
  2. Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that are configured to sequence the operation of each unit based on load.)

**Ventilation and exhaust.**

**C403.2.2.1 Ventilation.** Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the *International Mechanical Code*. Where mechanical ventilation is provided, the system shall be configured to provide no greater than 150 percent of the minimum outdoor air

required by Chapter 4 of the *International Mechanical Code* or other applicable code or standard, whichever is greater.

- EXCEPTIONS:**
1. The mechanical system may supply outdoor air at rates higher than the limit above when it is used for particulate or VOC dilution, economizer, night flushing, dehumidification, pressurization, exhaust make-up, or other process air delivery. Outdoor air shall be reduced to the minimum ventilation rates when not required for the preceding uses.
  2. Air systems supplying Group R-1, R-2 or I-2 occupancies.
  3. Alterations that replace less than half of the total heating and cooling capacity of the system.
  4. Systems with energy recovery complying with the requirements of Section C403.7.6.1 that utilize sensible only active chilled beams for space cooling without any additional zonal fan power. Active chilled beams shall be permitted to utilize the increased outdoor airflow to increase space sensible capacity and to maintain space latent cooling loads without additional controls to reduce the outdoor airflow to each zone.

**C403.2.2.2 Exhaust.** Exhaust shall be provided in accordance with Chapters 4 and 5 of the *International Mechanical Code*. Where exhaust is provided, the system shall be configured to provide no greater than 150 percent of the minimum exhaust air required by Chapters 4 and 5 of the *International Mechanical Code* or other applicable code or standard, whichever is greater.

- EXCEPTIONS:**
1. The mechanical system may exhaust air at rates higher than the limit above when it is used for particulate or VOC dilution, economizer, night flushing, dehumidification, pressure equalization, relief, or other process exhaust air requirements. Outdoor air and exhaust air shall be reduced to the minimum ventilation rates when not required for the preceding uses.
  2. Domestic range hood exhaust in Group R occupancies.
  3. Exhaust from Group I occupancies.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40323 Section C403.2.3—((HVAC equipment performance requirements)) Variable flow capacity.**

**C403.2.3 ((HVAC equipment performance requirements.** Equipment shall meet the minimum efficiency requirements of Tables C403.2.3(1), C403.2.3(2), C403.2.3(3), C403.2.3(4), C403.2.3(5), C403.2.3(6), C403.2.3(7), C403.2.3(8) and C403.2.3(9) when tested and rated in accordance with the applicable test procedure. Plate-type liquid-to-liquid heat exchangers shall meet the minimum requirements of Table C403.2.3(10). The efficiency shall be verified through certification and listed under an *approved* certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by

the designer that demonstrates that the combined efficiency of the specified components meets the requirements herein.

Gas-fired and oil-fired forced air furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW) and all unit heaters shall also have an intermittent ignition or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75 percent of the input rating.

Chilled water plants and buildings with more than 500 tons total capacity shall not have more than 100 tons provided by air-cooled chillers.

- EXCEPTIONS:**
1. Where the designer demonstrates that the water quality at the building site fails to meet manufacturer's specifications for the use of water-cooled equipment.
  2. Air-cooled chillers with minimum efficiencies at least 10 percent higher than those listed in Table C403.2.3(7).
  3. Replacement of existing equipment.

~~**C403.2.3.1 Water-cooled centrifugal chilling packages.** Equipment not designed for operation at AHRI Standard 550/590 test conditions of 44°F (7°C) leaving chilled water temperature and 2.4 gpm/ton evaporator fluid flow and 85°F (29°C) entering condenser water temperature with 3 gpm/ton (0.054 L/s • kW) condenser water flow shall have maximum full-load kW/ton (FL) and part-load ratings adjusted using Equations 4-7 and 4-8.~~

$$FL_{adj} = FL/K_{adj}$$

**(Equation 4-7)**

$$PLV_{adj} = IPLV/K_{adj}$$

**(Equation 4-8)**

Where:

$$K_{adj} = A \times B$$

FL = Full-load kW/ton values as specified in Table C403.2.3(7)

FL<sub>adj</sub> = Maximum full-load kW/ton rating, adjusted for nonstandard conditions

IPLV = Value as specified in Table C403.2.3(7)

PLV<sub>adj</sub> = Maximum NPLV rating, adjusted for nonstandard conditions

$$A = 0.00000014592 \times (LIFT)^4 - 0.0000346496 \times (LIFT)^3 + 0.00314196 \times (LIFT)^2 - 0.147199 \times LIFT + 3.9302$$

$$B = 0.0015 \times L_{vg}^{Evap} (°F) + 0.934$$

$$LIFT = L_{vg}^{Cond} - L_{vg}^{Evap}$$

L<sub>vg</sub><sup>Cond</sup> = Full-load condenser leaving fluid temperature (°F)

$$L_{vg}^{Evap} = \text{Full-load evaporator leaving temperature (°F)}$$

The  $FL_{adj}$  and  $PLV_{adj}$  values are only applicable for centrifugal chillers meeting all of the following full-load design ranges:

1. Minimum evaporator leaving temperature: 36°F.
2. Maximum condenser leaving temperature: 115°F.
3. LIFT is not less than 20°F (11.1°C) and not greater than 80°F (44.4°C).

~~**C403.2.3.2 Positive displacement (air and water cooled) chilling packages.**~~ Equipment with a leaving fluid temperature higher than 32°F (0°C) and water cooled positive displacement chilling packages with a condenser leaving fluid temperature below 115°F (46°C) shall meet the requirements of Table C403.2.3(7) when tested or certified with water at standard rating conditions, in accordance with the referenced test procedure.

~~**C403.2.3.3 Packaged electric heating and cooling equipment.**~~ Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 6,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

~~**C403.2.3.4 Humidification.**~~ If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type).

EXCEPTIONS: 1. Health care facilities licensed by the state where chapter 246-320 or 246-330 WAC requires steam injection humidifiers in duct work downstream of final filters.

2. Systems with water economizer.
3. 100% outside air systems with no provisions for air recirculation to the central supply fan.
4. Nonadiabatic humidifiers cumulatively serving no more than 10% of a building's air economizer capacity as measured in efm. This refers to the system efm serving rooms with stand alone or duct mounted humidifiers.)

**Variable flow capacity.** For fan and pump motors 7.5 hp and greater including motors in or serving custom and packaged air handlers serving variable air volume fan systems, constant volume fans, heating and cooling hydronic pumping systems, pool and service water pumping systems, domestic water pressure-booster systems, cooling tower fan, and other pump or fan motors where variable flows are required, there shall be:

1. Variable speed drives; or
2. Other controls and devices that will result in fan and pump motor demand of no more than 30 percent of design wattage at 50 percent of design air volume for fans when static pressure set point equals 1/3 the total design static pressure, and 50 percent of design water flow for pumps, based on manufacturer's certified test data. Variable inlet vanes, throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.

EXCEPTION: Variable speed devices are not required for motors that serve:

1. Fans or pumps in packaged equipment where variable speed drives are not available as a factory option from the equipment manufacturer.
2. Fans or pumps that are required to operate only for emergency fire-life-safety events (e.g., stairwell pressurization fans, elevator pressurization fans, fire pumps, etc.).

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-403231 Table ((~~C403.2.3~~) C403.3.2(1))—Minimum efficiency requirements—Electrically operated unitary air conditioners and condensing units.**

**Table ((~~C403.2.3~~) C403.3.2(1)A)  
Minimum Efficiency Requirements—Electrically Operated Unitary Air Conditioners and Condensing Units**

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure <sup>A</sup>
Air conditioners, air cooled	< 65,000 Btu/h <sup>b</sup>	All	Split System	13.0 SEER	AHRI 210/240
			Single Package	14.0 SEER	
Through-the-wall (air cooled)	≤ 30,000 Btu/h <sup>b</sup>	All	Split system	12.0 SEER	
			Single Package	12.0 SEER	
Small duct high velocity, air cooled	< 65,000 Btu/h <sup>b</sup>	All	Split system	11.0 SEER	

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure <sup>A</sup>	
Air conditioners, air cooled	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.2 EER 12.9 IEER	AHRI 210/240	
		All other	Split System and Single Package	11.0 EER 12.7 IEER		
	≥ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 12.4 IEER		
		All other	Split System and Single Package	10.8 EER 12.2 IEER		
	≥ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.0 EER 11.6 IEER		
		All other	Split System and Single Package	9.8 EER 11.4 IEER		
	≥ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.7 EER 11.2 IEER		
		All other	Split System and Single Package	9.5 EER 11.6 IEER		
Air conditioners, water cooled	< 65,000 Btu/h <sup>b</sup>	All	Split System and Single Package	12.1 EER 12.3 IEER	AHRI 210/240	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	12.1 EER 13.9 IEER	AHRI 210/240	
		All other	Split System and Single Package	11.9 EER 13.7 IEER		
	≥ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	12.5 EER 13.9 IEER		
		All other	Split System and Single Package	12.3 EER 13.7 IEER		
	≥ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	12.4 EER 13.6 IEER		
		All other	Split System and Single Package	12.2 EER 13.4 IEER		
	≥ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	12.2 EER 13.5 IEER		
		All other	Split System and Single Package	12.0 EER 13.3 IEER		
	Air conditioners, evaporatively cooled	< 65,000 Btu/h <sup>b</sup>	All	Split System and Single Package		12.1 EER 12.3 IEER
≥ 65,000 Btu/h and < 135,000 Btu/h		Electric Resistance (or None)	Split System and Single Package	12.1 EER 12.3 IEER		AHRI 340/360
		All other	Split System and Single Package	11.9 EER 12.1 IEER		
≥ 135,000 Btu/h and < 240,000 Btu/h		Electric Resistance (or None)	Split System and Single Package	12.0 EER 12.2 IEER		
		All other	Split System and Single Package	11.8 EER 12.0 IEER		
≥ 240,000 Btu/h and < 760,000 Btu/h		Electric Resistance (or None)	Split System and Single Package	11.9 EER 12.1 IEER		
		All other	Split System and Single Package	11.7 EER 11.9 IEER		
≥ 760,000 Btu/h		Electric Resistance (or None)	Split System and Single Package	11.7 EER 11.9 EER		
		All other	Split System and Single Package	11.5 EER 11.7 EER		

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure <sup>A</sup>
Condensing units, air cooled	≥ 135,000 Btu/h			10.5 EER 11.8 IEER	AHRI 365
Condensing units, water cooled	≥ 135,000 Btu/h			13.5 EER 14.0 IEER	
Condensing units, evaporatively cooled	≥ 135,000 Btu/h			13.5 EER 14.0 IEER	

For SI: 1 British thermal unit per hour = 0.2931 W.

- a Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- b Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

**Table ((C403.2.3)) C403.3.2(1)B**  
**Minimum Efficiency Requirements—Electrically Operated Variable Refrigerant Flow Air Conditioners**

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure
VRF Air Conditioners, Air Cooled	< 65,000 Btu/h	All	VRF Multi-Split System	13.0 SEER	AHRI 1230
	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System	11.2 EER <del>((13.1 IEER before 1/1/2017))</del> 15.5 IEER <del>((as of 1/1/2017))</del>	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System	11.0 EER <del>((12.9 IEER before 1/1/2017))</del> 14.9 IEER <del>((as of 1/1/2017))</del>	
	≥ 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-split System	10.0 EER <del>((11.6 IEER before 1/1/2017))</del> 13.9 IEER <del>((as of 1/1/2017))</del>	

**Table ((C403.2.3)) C403.3.2(1)C**  
**Minimum Efficiency Requirements—Electrically Operated Variable Refrigerant Flow Air-to-Air and Applied Heat Pumps**

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure
VRF Air Cooled (cooling mode)	< 65,000 Btu/h	All	VRF Multi-Split System	13.0 SEER	AHRI 1230
	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System	11.0 EER <del>((12.9 IEER before 1/1/2017))</del> 14.6 IEER <del>((as of 1/1/2017))</del>	

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure
	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System with Heat Recovery	10.8 EER <del>((12.7 IEER (before 1/1/2017)))</del> 14.4 IEER <del>((as of 1/1/2017)))</del>	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System	10.6 EER <del>((12.3 IEER (before 1/1/2017)))</del> 13.9 IEER <del>((as of 1/1/2017)))</del>	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System with Heat Recovery	10.4 EER <del>((12.1 IEER (before 1/1/2017)))</del> 13.7 IEER <del>((as of 1/1/2017)))</del>	
	≥ 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System	9.5 EER <del>((11.0 IEER (before 1/1/2017)))</del> 12.7 IEER <del>((as of 1/1/2017)))</del>	
	≥ 240,000 Btu/h	Electric Resistance (or none)	VRF Multi-Split System with Heat Recovery	9.3 EER <del>((10.8 IEER (before 1/1/2017)))</del> 12.5 IEER <del>((as of 1/1/2017)))</del>	
VRF Water Source (cooling mode)	< 65,000 Btu/h	All	VRF Multi-Split System <i>86°F entering water</i>	12.0 EER <u>16.0 IEER</u>	AHRI 1230
	< 65,000 Btu/h	All	VRF Multi-Split System with Heat Recovery <i>86°F entering water</i>	11.8 EER <u>15.8 IEER</u>	
	≥ 65,000 Btu/h and < 135,000 Btu/h	All	VRF Multi-Split System <i>86°F entering water</i>	12.0 EER <u>16.0 IEER</u>	
	≥ 65,000 Btu/h and < 135,000 Btu/h	All	VRF Multi-Split System with Heat Recovery <i>86°F entering water</i>	11.8 EER <u>15.8 IEER</u>	



Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure
	$\geq 135,000$ Btu/h <u>and</u> $< 240,000$ Btu/h	All	VRF Multi-Split System <i>86°F entering water</i>	10.0 EER <u>14.0 IEER</u>	
	$\geq 135,000$ Btu/h <u>and</u> $< 240,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>86°F entering water</i>	9.8 EER <u>13.8 IEER</u>	
	$\geq 240,000$ Btu/h	All	VRF Multi-Split System <i>86°F entering water</i>	<u>12.0 IEER</u>	
	$\geq 240,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>86°F entering water</i>	<u>11.8 IEER</u>	
VRF Groundwater Source (cooling mode)	$< 135,000$ Btu/h	All	VRF Multi-Split System <i>59°F entering water</i>	16.2 EER	AHRI 1230
	$< 135,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>59°F entering water</i>	16.0 EER	
	$\geq 135,000$ Btu/h	All	VRF Multi-Split System <i>59°F entering water</i>	13.8 EER	
	$\geq 135,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>59°F entering water</i>	13.6 EER	
VRF Ground Source (cooling mode)	$< 135,000$ Btu/h	All	VRF Multi-Split System <i>77°F entering water</i>	13.4 EER	AHRI 1230
	$< 135,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>77°F entering water</i>	13.2 EER	
	$\geq 135,000$ Btu/h	All	VRF Multi-Split System <i>77°F entering water</i>	11.0 EER	
	$\geq 135,000$ Btu/h	All	VRF Multi-Split System with Heat Recovery <i>77°F entering water</i>	10.8 EER	
VRF Air Cooled (heating mode)	$< 65,000$ Btu/h (cooling capacity)	—	VRF Multi-Split System	7.7 HSPF	AHRI 1230

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure
	≥ 65,000 Btu/h and < 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>47°F db/43°F wb outdoor air</i> <i>17°F db/15°F wb outdoor air</i>	3.3 COP 2.25 COP	AHRI 1230
	≥ 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>47°F db/43°F wb outdoor air</i> <i>17°F db/15°F wb outdoor air</i>	3.2 COP 2.05 COP	
VRF Water Source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>68°F entering water</i>	<del>((4-2))</del> <u>4.3</u> COP	
	≥ 135,000 Btu/h and < <u>240,000 Btu/h</u> (cooling capacity)	—	VRF Multi-Split System <i>68°F entering water</i>	<del>((3-9))</del> <u>4.0</u> COP	
	≥ <u>240,000 Btu/h</u> (cooling capacity)	—	VRF Multi-Split System <i>68°F entering water</i>	<u>3.9</u> COP	
VRF Groundwater Source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>50°F entering water</i>	3.6 COP	
	≥ 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>50°F entering water</i>	3.3 COP	
VRF Ground Source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>32°F entering water</i>	3.1 COP	AHRI 1230
	≥ 135,000 Btu/h (cooling capacity)	—	VRF Multi-Split System <i>32°F entering water</i>	2.8 COP	

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403232 Table (~~C403.2.3~~) C403.3.2(2)—Minimum efficiency requirements—Electrically operated unitary and applied heat pumps.**

**Table (~~C403.2.3~~) C403.3.2(2)  
Minimum Efficiency Requirements—Electrically Operated Unitary and Applied Heat Pumps**

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure <sup>a</sup>
Air cooled (cooling mode)	< 65,000 Btu/h <sup>b</sup>	All	Split System	14.0 SEER	AHRI 210/240
			Single Packaged	14.0 SEER	
Through-the-wall, air cooled (cooling mode)	≤ 30,000 Btu/h <sup>b</sup>	All	Split System	12.0 SEER	
			Single Packaged	12.0 SEER	
Small duct high velocity, air cooled	< 65,000 Btu/h <sup>b</sup>	All	Split System	11.0 SEER	
Air cooled (cooling mode)	≥ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 12.2 IEER	AHRI 340/360

Equipment Type	Size Category	Heating Section Type	Subcategory or Rating Condition	Minimum Efficiency	Test Procedure <sup>a</sup>
	≥ 135,000 Btu/h and < 240,000 Btu/h	All Other	Split System and Single Package	10.8 EER 12.0 IEER	
		Electric Resistance (or None)	Split System and Single Package	10.6 EER 11.6 IEER	
	All Other	Split System and Single Package	10.4 EER 11.4 IEER		
	≥ 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.5 EER 10.6 IEER	
		All Other	Split System and Single Package	9.3 EER 10.4 IEER	
Water ((source)) to air, water loop (cooling mode)	< 17,000 Btu/h	All	86°F entering water	12.2 EER	ISO 13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	All	86°F entering water	13.0 EER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	All	86°F entering water	13.0 EER	
Water to air, ground water ((source)) (cooling mode)	< 135,000 Btu/h	All	59°F entering water	18.0 EER	
((Ground-water source)) Brine to air, ground loop (cooling mode)	< 135,000 Btu/h	All	77°F entering water	14.1 EER	
((Water-source)) Water to water, water loop (cooling mode)	< 135,000 Btu/h	All	86°F entering water	10.6 EER	ISO 13256-2
Water to water, ground water (cooling mode)	< 135,000 Btu/h	All	59°F entering water	16.3 EER	
((Ground-water source)) Brine to water, ground loop (cooling mode)	< 135,000 Btu/h	All	77°F entering fluid	12.1 EER	
Air cooled (heating mode)	< 65,000 Btu/h <sup>b</sup>	—	Split System	8.2 HSPF	AHRI 210/240
		—	Single Package	8.0 HSPF	
Through-the-wall, (air cooled, heating mode)	≤ 30,000 Btu/hb (cooling capacity)	—	Split System	7.4 HSPF	
		—	Single Package	7.4 HSPF	
Small-duct high velocity (air cooled, heating mode)	< 65,000 Btu/h <sup>b</sup>	—	Split System	6.8 HSPF	
Air cooled (heating mode)	≥ 65,000 Btu/h and < 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.3 COP	AHRI 340/360
			17°F db/15°F wb Outdoor Air	2.25 COP	
	≥ 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.2 COP	
			17°F db/15°F wb Outdoor Air	2.05 COP	
Water ((source)) to air, water loop (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	4.3 COP	ISO 13256-1
	Water to air, ground water ((source)) (heating mode)	—	50°F entering water	3.7 COP	
	((Ground source)) Brine to air, ground loop (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	
((Water-source)) Water to water, water loop (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	3.7 COP	ISO 13256-2
		—	50°F entering water	3.1 COP	
((Ground source)) Brine to water, ground loop (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	2.5 COP	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

- a Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- b Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-403233 Table ~~((C403.2.3))~~ C403.3.2(3)—Minimum efficiency requirements—Electrically operated PTAC, PTHP, SPVAC, SPVHP, room air conditioners.

Table ~~((C403.2.3))~~ C403.3.2(3)

Minimum Efficiency Requirements—Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Single-Package Vertical Air Conditioners, Single-Package Vertical Heat Pumps, Room Air Conditioners and Room Air-Conditioner Heat Pumps

Equipment Type	Size Category (Input)	Subcategory or Rating Condition	Minimum Efficiency		Test Procedure <sup>a</sup>
PTAC (cooling mode) new construction	All Capacities	95°F db outdoor air		14.0 - (0.300 × Cap/1000) EER	AHRI 310/380
PTAC (cooling mode) replacements <sup>b</sup>	All Capacities	95°F db outdoor air		10.9 - (0.213 × Cap/1000) EER	
PTHP (cooling mode) new construction	All Capacities	95°F db outdoor air		14.0 - (0.300 × Cap/1000) EER	
PTHP (cooling mode) replacements <sup>b</sup>	All Capacities	95°F db outdoor air		10.8 - (0.213 × Cap/1000) EER	
PTHP (heating mode) new construction	All Capacities	—		3.7 - (0.052 × Cap/1000) COP	
PTHP (heating mode) replacements <sup>b</sup>	All Capacities	—		2.9 - (0.026 × Cap/1000) COP	
SPVAC (cooling mode)	< 65,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	AHRI 390
	≥ 65,000 Btu/h and < 135,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	
	≥ 135,000 Btu/h and < 240,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	
SPVHP (cooling mode)	< 65,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	
	≥ 135,000 Btu/h and < 240,000 Btu/h	95°F db/75°F wb outdoor air		<del>((10.0))</del> <u>11.0</u> EER	
SPVHP (heating mode)	<65,000 Btu/h	47°F db/43°F wb outdoor air		<del>((3.0))</del> <u>3.3</u> COP	AHRI 390
	≥ 65,000 Btu/h and < 135,000 Btu/h	47°F db/43°F wb outdoor air		<del>((3.0))</del> <u>3.3</u> COP	
	≥ 135,000 Btu/h and < 240,000 Btu/h	47°F db/43°F wb outdoor air		<del>((3.0))</del> <u>3.3</u> COP	
Room air conditioners, with louvered sides	< 6,000 Btu/h	—		<del>((9.7 SEER))</del> <u>11.0 CEER</u>	ANSI/AHA-MRAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h	—		<del>((9.7 SEER))</del> <u>11.0 CEER</u>	
	≥ 8,000 Btu/h and < 14,000 Btu/h	—		<del>((9.8 EER))</del> <u>10.9 CEER</u>	
	≥ 14,000 Btu/h and < 20,000 Btu/h	—		<del>((9.7 SEER))</del> <u>10.7 CEER</u>	
	≥ 20,000 Btu/h and ≤ 25,000 Btu/h	—		<u>9.4 CEER</u>	
	≥ <del>((20,000))</del> <u>25,000</u> Btu/h	—		<del>((8.5 EER))</del> <u>9.0 CEER</u>	
Room air conditioners, without louvered sides	<del>((&lt; 8,000 Btu/h))</del> <u>≤ 6,000 Btu/h</u>	—		<del>((9.0 EER))</del> <u>10.0 CEER</u>	
	≥ 6,000 Btu/h and < 8,000 Btu/h	—		<u>10.0 CEER</u>	

Equipment Type	Size Category (Input)	Subcategory or Rating Condition	Minimum Efficiency		Test Procedure <sup>a</sup>
	$\geq 8,000$ Btu/h and $< 11,000$ Btu/h	==		<u>9.6 CEER</u>	
	$\geq ((8,000)) 11,000$ Btu/h and $< ((20,000)) 14,000$ Btu/h	—		<del>((8.5 EER))</del> <u>9.5 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h	==		<u>9.3 CEER</u>	
	$\geq 20,000$ Btu/h	—		<del>((8.5 EER))</del> <u>9.4 CEER</u>	
Room air-conditioner heat pumps with louvered sides	$< 20,000$ Btu/h	—		<del>((9.0 EER))</del> <u>9.8 CEER</u>	
	$\geq 20,000$ Btu/h	—		<del>((8.5 EER))</del> <u>9.3 CEER</u>	
Room air-conditioner heat pumps without louvered sides	$< 14,000$ Btu/h	—		<del>((8.5 EER))</del> <u>9.3 CEER</u>	
	$\geq 14,000$ Btu/h	—		<del>((8.0 EER))</del> <u>8.7 CEER</u>	
Room air conditioner casement only	All capacities	—		<del>((8.7 EER))</del> <u>9.5 CEER</u>	
Room air conditioner casement-slider	All capacities	—		<del>((9.5 EER))</del> <u>10.4 CEER</u>	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

"Cap" = The rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculations.

- a Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b Replacement unit shall be factory labeled as follows: "MANUFACTURED FOR NONSTANDARD SIZE APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW STANDARD PROJECTS" or "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16 inches (406 mm) in height and less than 42 inches (1067 mm) in width.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-403234 Table ((C403.2.3)) C403.3.2(4)—Minimum efficiency requirements—Warm air furnaces and unit heaters.**

**Table ((403.2.3)) 403.3.2(4)**

**Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Subcategory or Rating Condition	Minimum Efficiency <sup>d, e</sup>	Test Procedure <sup>a</sup>
Warm air furnaces, gas fired	$< 225,000$ Btu/h	—	<del>((78)) 80%</del> AFUE or 80% $E_t^c$	DOE 10 C.F.R. Part 430 or ANSI Z21.47
	$\geq 225,000$ Btu/h	Maximum capacity <sup>c</sup>	80% $E_t^f$	ANSI Z21.47
Warm air furnaces, oil fired	$< 225,000$ Btu/h	—	<del>((78)) 83%</del> AFUE or 80% $E_t^c$	DOE 10 C.F.R. Part 430 or UL 727
	$\geq 225,000$ Btu/h	Maximum capacity <sup>b</sup>	81% $E_t^g$	UL 727
Warm air duct furnaces, gas fired	All capacities	Maximum capacity <sup>b</sup>	80% $E_c$	ANSI Z83.8
Warm air unit heaters, gas fired	All capacities	Maximum capacity <sup>b</sup>	80% $E_c$	ANSI Z83.8
Warm air unit heaters, oil fired	All capacities	Maximum capacity <sup>b</sup>	80% $E_c$	UL 731

For SI: 1 British thermal unit per hour = 0.2931 W.

- a Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b Minimum and maximum ratings as provided for and allowed by the unit's controls.
- c Combination units not covered by the National Appliance Energy Conservation Act of 1987 (NAECA) (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) shall comply with either rating.
  - <sup>d</sup>  $E_t$  = Thermal efficiency. See test procedure for detailed discussion.
  - <sup>e</sup>  $E_c$  = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.
  - <sup>f</sup>  $E_c$  = Combustion efficiency. Units must also include an IID, have jackets not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.
  - <sup>g</sup>  $E_t$  = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403235 Table ((~~C403.2.3~~) C403.3.2(5))—Minimum efficiency requirements—Gas- and oil-fired boilers.**

**Table ((~~C403.2.3~~) C403.3.2(5))  
Minimum Efficiency Requirements—Gas- and Oil-Fired Boilers**

Equipment Type <sup>a</sup>	Subcategory or Rating Condition	Size Category (Input)	Minimum Efficiency	Test Procedure
Boilers, hot water	Gas-fired	< 300,000 Btu/h <sup>d,e</sup>	82% AFUE	10 C.F.R. Part 430
		≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h <sup>b</sup>	80% $E_t$	10 C.F.R. Part 431
		> 2,500,000 Btu/h <sup>a</sup>	82% $E_c$	
	Oil-fired <sup>c</sup>	< 300,000 Btu/h <sup>e</sup>	84% AFUE	10 C.F.R. Part 430
		≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h <sup>b</sup>	82% $E_t$	10 C.F.R. Part 431
		> 2,500,000 Btu/h <sup>a</sup>	84% $E_c$	
Boilers, steam	Gas-fired	< 300,000 Btu/h <sup>d</sup>	80% AFUE	10 C.F.R. Part 430
	Gas-fired - All, except natural draft	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h <sup>b</sup>	79% $E_t$	10 C.F.R. Part 431
		> 2,500,000 Btu/h <sup>a</sup>	79% $E_t$	
	Gas-fired-natural draft	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h <sup>b</sup>	((77)) 79% $E_t$	
		> 2,500,000 Btu/h <sup>a</sup>	((77)) 79% $E_t$	
	Oil-fired <sup>c</sup>	< 300,000 Btu/h	82% AFUE	10 C.F.R. Part 430
		≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h <sup>b</sup>	81% $E_t$	10 C.F.R. Part 431
		> 2,500,000 Btu/h <sup>a</sup>	81% $E_t$	

For SI: 1 British thermal unit per hour = 0.2931 W.

$E_c$  = Combustion efficiency (100 percent less flue losses).

$E_t$  = Thermal efficiency. See referenced standard document for detailed information.

- a These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.
- b Maximum capacity minimum and maximum ratings as provided for and allowed by the unit's controls.
- c Includes oil-fired (residual).
- d Boilers shall not be equipped with a constant burning ignition pilot.
- e A boiler not equipped with a tankless domestic water heating coil shall be equipped with an automatic means for adjusting the temperature of the water such that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of the water supplied.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-403236 Table ((~~C403.2.3~~) C403.3.2(6)—Reserved.**

Table ((~~C403.2.3~~) C403.3.2(6)  
Reserved

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403237 Table ((~~C403.2.3~~) C403.3.2(7)—Minimum efficiency requirements—Water chilling packages.**

**Table ((~~C403.2.3~~) C403.3.2(7)  
Minimum Efficiency Requirements—Water Chilling Packages<sup>a</sup>**

Equipment Type	Size Category	Units	((As of 1/1/2015 <sup>b</sup> ))				Test Procedure <sup>c</sup>
			Path A		Path B		
			Full Load	IPLV	Full Load	IPLV	
Air-cooled chillers	< 150 tons	EER	≥ 10.100	≥ 13.700	≥ 9.700	≥ 15.800	AHRI 550/590
	≥ 150 tons	EER	≥ 10.100	≥ 14.000	≥ 9.700	≥ 16.100	
Air cooled without condenser, electrically operated	All capacities	EER	Air-cooled chillers without condensers shall be rated with matching condensers and comply with the air-cooled chiller efficiency requirements				
<del>(Water cooled, electrically operated, reciprocating</del>	All capacities	kW/ton	<del>Reciprocating units shall comply with water-cooled positive displacement efficiency requirements</del>				
Water cooled, electrically operated, positive displacement	< 75 tons	kW/ton	≤ 0.750	≤ 0.600	≤ 0.780	≤ 0.500	
	≥ 75 tons and < 150 tons	kW/ton	≤ 0.720	≤ 0.560	≤ 0.750	≤ 0.490	
	≥ 150 tons and < 300 tons	kW/ton	≤ 0.660	≤ 0.540	≤ 0.680	≤ 0.440	
	≥ 300 tons and < 600 tons	kW/ton	≤ 0.610	≤ 0.520	≤ 0.625	≤ 0.410	
	≥ 600 tons	kW/ton	≤ 0.560	≤ 0.500	≤ 0.585	≤ 0.380	
Water cooled, electrically operated, centrifugal	< 150 tons	kW/ton	≤ 0.610	≤ 0.550	≤ 0.695	≤ 0.440	
	≥ 150 tons and < 300 tons	kW/ton	≤ 0.610	≤ 0.550	≤ 0.695	≤ 0.400	
	≥ 300 tons and < 400 tons	kW/ton	≤ 0.560	≤ 0.520	≤ 0.595	≤ 0.390	
	≥ 400 tons	kW/ton	≤ 0.560	≤ 0.500	≤ 0.585	≤ 0.380	
Air cooled, absorption single effect	All capacities	COP	≥ 0.600	NR	NA	NA	AHRI 560
Water cooled, absorption single effect	All capacities	COP	≥ 0.700	NR	NA	NA	
Absorption double effect, indirect fired	All capacities	COP	≥ 1.000	≥ 1.050	NA	NA	
Absorption double effect, direct fired	All capacities	COP	≥ 1.000	≥ 1.000	NA	NA	

For SI: 1 ton = 3517 W, 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

NA = Not applicable, not to be used for compliance;

NR = No requirement.

- a The centrifugal chiller equipment requirements, after adjustment in accordance with Section ((C403.2.3.1)) C403.3.2.2 or Section ((C403.2.3.2)) C403.3.2.3, do not apply to chillers used in low-temperature applications where the design leaving fluid temperature is less than 36°F. The requirements do not apply to positive displacement chillers with leaving fluid temperatures less than or equal to 32°F. The requirements do not apply to absorption chillers with design leaving fluid temperatures less than 40°F.
- b Compliance with this standard can be obtained by meeting the minimum requirements of Path A or B. However, both the full load and IPLV shall be met to fulfill the requirements of Path A or B.
- c Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-403238 Table ((C403.2.3)) C403.3.2(8)—Minimum efficiency requirements—Heat rejection equipment.**

**Table ((C403.2.3)) C403.3.2(8)  
Minimum Efficiency Requirements—Heat Rejection Equipment**

Equipment Type <sup>a</sup>	Total System Heat Rejection Capacity at Rated Conditions	Subcategory or Rating Condition	Performance Required <sup>b,c,d,g,h</sup>	Test Procedure <sup>e,f</sup>
Propeller or axial fan open circuit cooling towers	All	95°F Entering Water 85°F Leaving Water 75°F Entering wb	≥ ((38.2)) 40.2 gpm/hp	CTI ATC-105 and CTI STD-201 <u>RS</u>
Centrifugal fan open circuit cooling towers	All	95°F Entering Water 85°F Leaving Water 75°F Entering wb	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201 <u>RS</u>
Propeller or axial fan closed circuit cooling towers	All	102°F Entering Water 90°F Leaving Water 75°F Entering wb	≥ ((14.0)) 16.1 gpm/hp	CTI ATC-105S and CTI STD-201 <u>RS</u>
Centrifugal closed circuit cooling towers	All	102°F Entering Water 90°F Leaving Water 75°F Entering wb	≥ 7.0 gpm/hp	CTI ATC-105S and CTI STD-201 <u>RS</u>
Propeller or axial fan evaporative condensers	All	R-507A Test Fluid 165°F Entering Gas Temperature 105°F Condensing Temperature 75°F Entering wb	≥ 157,000 Btu/h • hp	CTI ATC-106
Propeller or axial fan evaporative condensers	All	Ammonia Test Fluid 140°F Entering Gas Temperature 96.3°F Condensing Temperature 75°F Entering wb	≥ 134,000 Btu/h • hp	CTI ATC-106
Centrifugal fan evaporative condensers	All	R-507A Test Fluid 165°F Entering Gas Temperature 105°F Condensing Temperature 75°F Entering wb	≥ 135,000 Btu/h • hp	CTI ATC-106
Centrifugal fan evaporative condensers	All	Ammonia Test Fluid 140°F Entering Gas Temperature 96.3°F Condensing Temperature 75°F Entering wb	≥ 110,000 Btu/h • hp	CTI ATC-106
Air cooled condensers	All	125°F Condensing Temperature R-22 Test Fluid 190°F Entering Gas Temperature 15°F Subcooling 95°F Entering db	≥ 176,000 Btu/h • hp	AHRI 460

For SI: °C = [(°F) - 32]/1.8, L/s • kW = (gpm/hp)/(11.83), COP = (Btu/h • hp)/(2550.7).

db = dry-bulb temperature, °F;  
wb = wet-bulb temperature, °F.

<sup>a</sup> The efficiencies and test procedures for both open and closed circuit cooling towers are not applicable to hybrid cooling towers that contain a combination of wet and dry heat exchange sections.

<sup>(\*)</sup> For purposes of this table, open circuit cooling tower performance is defined as the water flow rating of the tower at the thermal rating condition ((~~listed in Table 403.2.3(8))~~) divided by the fan nameplate rated motor power.



- c For purposes of this table, closed circuit cooling tower performance is defined as the water flow rating of the tower at the thermal rating condition ((listed in Table 403.2.3(8))) divided by the sum of the fan nameplate rated motor power and the spray pump nameplate rated motor power.
- d For purposes of this table, air cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.
- e Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- f Where a certification program exists for a covered product, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program, or, where a certification program exists for a covered product, and it includes provisions for verification and challenge of equipment efficiency ratings, but the product is not listed in the existing certification program, the ratings shall be verified by an independent laboratory test report.
- g Cooling towers shall comply with the minimum efficiency listed in the table for that specific type of tower with the capacity effect of any project-specific accessories and/or options included in the capacity of the cooling tower.
- h For purposes of this table, evaporative condenser performance is defined as the heat rejected at the specified rating condition in the table, divided by the sum of the fan motor nameplate power and the integral spray pump nameplate power.
- i Requirements for evaporative condensers are listed with ammonia (R-717) and R-507A as test fluids in this table. Evaporative condensers intended for use with halocarbon refrigerants other than R-507A must meet the minimum efficiency requirements listed above with R-507A as the test fluid.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403239 Table ((~~C403.2.3~~) C403.3.2(9) and Table ((~~C403.2.3~~) C403.3.2(10)—Minimum efficiency requirements.**

**Table ((~~C403.2.3~~) C403.3.2(9)  
Minimum Efficiency Requirements—Air Conditioners and Condensing Units Serving Computer Rooms**

<b>((Equipment Type</b>	<b>Net Sensible Cooling Capacity*</b>	<b>Minimum SCOP-127<sup>b</sup> Efficiency Downflow units/Upflow units</b>	<b>Test Procedure</b>
Air conditioners, air cooled	< 65,000 Btu/h (< 19 kW)	2.20/2.09	ANSI/ASHRAE 127
	≥ 65,000 Btu/h and < 240,000 Btu/h (19 kW and < 70 kW)	2.10/1.99	
	≥ 240,000 Btu/h (≥ 70 kW)	1.90/1.79	
Air conditioners, water cooled	< 65,000 Btu/h (< 19 kW)	2.60/2.49	ANSI/ASHRAE 127
	≥ 65,000 Btu/h and < 240,000 Btu/h (≥ 19 kW and < 70 kW)	2.50/2.39	
	≥ 240,000 Btu/h (≥ 70 kW)	2.40/2.29	
Air conditioners, water cooled with fluid econo- mizer	< 65,000 Btu/h (< 19 kW)	2.55/2.44	ANSI/ASHRAE 127
	≥ 65,000 Btu/h and < 240,000 Btu/h (≥ 19kW and < 70 kW)	2.45/2.34	
	≥ 240,000 Btu/h (≥ 70 kW)	2.35/2.24	
Air conditioners, glycol cooled (rated at 40% propyl- ene glycol)	< 65,000 Btu/h (< 19 kW)	2.50/2.39	ANSI/ASHRAE 127
	≥ 65,000 Btu/h and < 240,000 Btu/h (≥ 19 kW and < 70 kW)	2.15/2.04	
	≥ 240,000 Btu/h (≥ 70 kW)	2.10/1.99	

<b>((Equipment Type</b>	<b>Net Sensible Cooling Capacity*</b>	<b>Minimum SCOP-127<sup>b</sup> Efficiency Downflow units/Upflow units</b>	<b>Test Procedure</b>
Air conditioners, glycol-cooled (rated at 40% propylene glycol) with fluid economizer	< 65,000 Btu/h (< 19 kW)	2.45/2.34	ANSI/ASHRAE 127
	≥ 65,000 Btu/h and < 240,000 Btu/h (≥ 19 kW and < 70 kW)	2.10/1.99	
	≥ 240,000 Btu/h (≥ 70 kW)	2.05/1.94	

- <sup>a</sup> Net-sensible cooling capacity: The total-gross-cooling capacity less the latent cooling less the energy to the air movement system. (Total Gross - Latent - Fan Power.)
- <sup>b</sup> Sensible coefficient of performance (SCOP-127): A ratio calculated by dividing the net sensible cooling capacity in watts by the total power input in watts (excluding reheaters and humidifiers) at conditions defined in ASHRAE Standard 127. The net-sensible-cooling capacity is the gross-sensible-capacity minus the energy dissipated into the cooled space by the fan system.))

<b>Equipment Type</b>	<b>Net Sensible Cooling Capacity</b>	<b>Standard Model</b>	<b>Minimum Net Sensible COP<sup>s</sup></b>			<b>Test Procedure</b>
			<b>Return Air Dry-Bulb Temperature/Dew-Point Temperature</b>			
			<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	
			<b>75°F/52°F</b>	<b>85°F/52°F</b>	<b>95°F/52°F</b>	
Air cooled	< 65,000 Btu/h	Downflow unit	2.09	2.30	2.45	AHRI 1360
		Upflow unit - Ducted		2.10		
		Upflow unit - Unducted				
		Horizontal-flow unit				
	≥ 65,000 Btu/h and < 240,000 Btu/h	Downflow unit	1.99	2.20	2.35	
		Upflow unit - Ducted		2.05		
		Upflow unit - Unducted				
		Horizontal-flow unit				
	≥ 240,000 Btu/h	Downflow unit	1.79	2.00	2.15	
Upflow unit - Ducted		1.85				
Upflow unit - Unducted						
Horizontal-flow unit						
Water cooled	< 65,000 Btu/h	Downflow unit	2.25	2.50	2.70	AHRI 1360
		Upflow unit - Ducted		2.30		
		Upflow unit - Unducted				
		Horizontal-flow unit				
	≥ 65,000 Btu/h and < 240,000 Btu/h	Downflow unit	2.15	2.40	2.60	
		Upflow unit - Ducted		2.20		
		Upflow unit - Unducted				
		Horizontal-flow unit				
	≥ 240,000 Btu/h	Downflow unit	2.05	2.25	2.45	
Upflow unit - Ducted		2.10				
Upflow unit - Unducted						
Horizontal-flow unit						

<b>Equipment Type</b>	<b>Net Sensible Cooling Capacity</b>	<b>Standard Model</b>	<b>Minimum Net Sensible COP<sup>c</sup></b>			<b>Test Procedure</b>	
			<b>Return Air Dry-Bulb Temperature/Dew-Point Temperature</b>				
			<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>		
			<b>75°F/52° F</b>	<b>85°F/52° F</b>	<b>95°F/52° F</b>		
<u>Water cooled with fluid economizer</u>	<u>&lt; 65,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.45</u>		<u>AHRI 1360</u>	
		<u>Upflow unit - Ducted</u>		<u>2.25</u>			
		<u>Upflow unit - Unducted</u>	<u>2.20</u>				
		<u>Horizontal-flow unit</u>			<u>2.60</u>		
	<u>≥ 65,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.35</u>			<u>AHRI 1360</u>
		<u>Upflow unit - Ducted</u>		<u>2.15</u>			
		<u>Upflow unit - Unducted</u>	<u>2.10</u>				
		<u>Horizontal-flow unit</u>			<u>2.55</u>		
	<u>≥ 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.20</u>			
<u>Upflow unit - Ducted</u>			<u>2.05</u>				
<u>Upflow unit - Unducted</u>		<u>2.00</u>					
	<u>Horizontal-flow unit</u>			<u>2.40</u>			
<u>Glycol cooled</u>	<u>&lt; 65,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.30</u>		<u>AHRI 1360</u>	
		<u>Upflow unit - Ducted</u>		<u>2.10</u>			
		<u>Upflow unit - Unducted</u>	<u>2.00</u>				
		<u>Horizontal-flow unit</u>			<u>2.40</u>		
	<u>≥ 65,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.05</u>			<u>AHRI 1360</u>
		<u>Upflow unit - Ducted</u>		<u>1.85</u>			
		<u>Upflow unit - Unducted</u>	<u>1.85</u>				
		<u>Horizontal-flow unit</u>			<u>2.15</u>		
	<u>≥ 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>1.95</u>			
<u>Upflow unit - Ducted</u>			<u>1.80</u>				
<u>Upflow unit - Unducted</u>		<u>1.75</u>					
	<u>Horizontal-flow unit</u>			<u>2.10</u>			
<u>Glycol cooled with fluid economizer</u>	<u>&lt; 65,000 Btu/h</u>	<u>Downflow unit</u>		<u>2.25</u>		<u>AHRI 1360</u>	
		<u>Upflow unit - Ducted</u>		<u>2.10</u>			
		<u>Upflow unit - Unducted</u>	<u>2.00</u>				
		<u>Horizontal-flow unit</u>			<u>2.35</u>		
	<u>≥ 65,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>1.95</u>			<u>AHRI 1360</u>
		<u>Upflow unit - Ducted</u>		<u>1.80</u>			
		<u>Upflow unit - Unducted</u>	<u>1.75</u>				
		<u>Horizontal-flow unit</u>			<u>2.10</u>		
	<u>≥ 240,000 Btu/h</u>	<u>Downflow unit</u>		<u>1.90</u>			
<u>Upflow unit - Ducted</u>			<u>1.80</u>				
<u>Upflow unit - Unducted</u>		<u>1.70</u>					
	<u>Horizontal-flow unit</u>			<u>2.10</u>			

**Table ((~~C403.2.3~~) C403.3.2(10))**  
**Minimum Efficiency Requirements—Heat Transfer Equipment**

Equipment Type	Subcategory	Minimum Efficiency	Test Procedure <sup>a</sup>
Liquid-to-liquid heat exchangers	Plate type	NR	AHRI 400

NR = No requirement.

<sup>a</sup>Chapter ((6)) 12 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

**Table C403.3.2(11)**

**Minimum Efficiency Requirements: Electrically Operated DX-DOAS Units, Single-package and Remote Condenser, Without Energy Recovery**

<u>EQUIPMENT TYPE</u>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY</u>	<u>TEST PROCEDURE</u>
<u>Air cooled (dehumidification mode)</u>		<u>4.0 ISMRE</u>	<u>AHRI 920</u>
<u>Air source heat pumps (dehumidification mode)</u>		<u>4.0 ISMRE</u>	<u>AHRI 920</u>
<u>Water cooled (dehumidification mode)</u>	<u>Cooling tower condenser water</u>	<u>4.9 ISMRE</u>	<u>AHRI 920</u>
	<u>Chilled water</u>	<u>6.0 ISMRE</u>	
<u>Air source heat pump (heating mode)</u>		<u>2.7 ISCOP</u>	<u>AHRI 920</u>
<u>Water source heat pump (dehumidification mode)</u>	<u>Ground source, closed loop</u>	<u>4.8 ISMRE</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>5.0 ISMRE</u>	
	<u>Water source</u>	<u>4.0 ISMRE</u>	
<u>Water source heat pump (heating mode)</u>	<u>Ground source, closed loop</u>	<u>2.0 ISCOP</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>3.2 ISCOP</u>	
	<u>Water source</u>	<u>3.5 ISCOP</u>	

**Table C403.3.2(12)**

**Minimum Efficiency Requirements: Electrically Operated DX-DOAS Units, Single-package and Remote Condenser, with Energy Recovery**

<u>EQUIPMENT TYPE</u>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY</u>	<u>TEST PROCEDURE</u>
<u>Air cooled (dehumidification mode)</u>		<u>5.2 ISMRE</u>	<u>AHRI 920</u>
<u>Air source heat pumps (dehumidification mode)</u>		<u>5.2 ISMRE</u>	<u>AHRI 920</u>
<u>Water cooled (dehumidification mode)</u>	<u>Cooling tower condenser water</u>	<u>5.3 ISMRE</u>	<u>AHRI 920</u>
	<u>Chilled water</u>	<u>6.6 ISMRE</u>	
<u>Air source heat pump (heating mode)</u>		<u>3.3 ISCOP</u>	<u>AHRI 920</u>
<u>Water source heat pump (dehumidification mode)</u>	<u>Ground source, closed loop</u>	<u>5.2 ISMRE</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>5.8 ISMRE</u>	
	<u>Water source</u>	<u>4.8 ISMRE</u>	
<u>Water source heat pump (heating mode)</u>	<u>Ground source, closed loop</u>	<u>3.8 ISCOP</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>4.0 ISCOP</u>	
	<u>Water source</u>	<u>4.8 ISCOP</u>	

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40324 ((Section C403.2.4—HVAC system controls:)) Reserved.**

~~((C403.2.4 HVAC system controls. HVAC systems shall be provided with controls as defined in this section and shall be capable of and configured to implement all required control functions in this code.))~~

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-403241 ((Section C403.2.4.1—Thermostatic controls:)) Reserved.**

~~((C403.2.4.1 Thermostatic controls. The supply of heating and cooling energy to each zone shall be controlled by individual thermostatic controls capable of responding to temperature within the zone. Controls in the same zone or in neighboring zones connected by openings larger than 10 percent of the floor area of either zone shall not allow for simultaneous heating and cooling. At a minimum, each floor of a building shall be considered as a separate zone. Controls on systems required to have economizers and serving single zones shall have multiple cooling stage capability and activate the economizer when appropriate as the first stage of cooling. See Section C403.3.1 for further economizer requirements. Where humidification or dehumidification or both is provided, at least one humidity control device shall be provided for each humidity control system.~~

- EXCEPTIONS:
1. Independent perimeter systems that are designed to offset only building envelope heat losses or gains or both serving one or more perimeter zones also served by an interior system provided:
    - 1.1. The perimeter system includes at least one thermostatic control zone for each building exposure having exterior walls facing only one orientation (within  $\pm 45$  degrees) (0.8 rad) for more than 50 contiguous feet (15,240 mm);
    - 1.2. The perimeter system heating and cooling supply is controlled by a thermostat located within the zones served by the system; and
    - 1.3. Controls are configured to prevent the perimeter system from operating in a different heating or cooling mode from the other equipment within the zones or from neighboring zones connected by openings larger than 10 percent of the floor area of either zone.
  2. Any interior zone open to a perimeter zone shall have setpoints and deadbands coordinated to that cooling in the interior zone shall not operate while the perimeter zone is in heating until the interior zone temperature is 5°F (2.8°C) higher than the perimeter zone temperature, unless the interior and perimeter zones are separated by a partition whose permanent openings are smaller than 10 percent of the perimeter zone floor area.

~~**C403.2.4.1.1 Heat pump supplementary heat.** Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being~~

~~used through visual means (e.g., LED indicators). Heat pumps equipped with supplementary heaters shall be installed with controls that prevent supplemental heater operation above 40°F.~~

EXCEPTION: Packaged terminal heat pumps (PTHPs) of less than 2 tons (24,000 Btu/hr) cooling capacity provided with controls that prevent supplementary heater operation above 40°F.

~~**C403.2.4.1.2 Deadband.** Where used to control both heating and cooling, zone thermostatic controls shall be configured to provide a temperature range or deadband of at least 5°F (2.8°C) within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.~~

EXCEPTIONS:

1. Thermostats requiring manual changeover between heating and cooling modes.
2. Occupancies or applications requiring precision indoor temperature control as approved by the code official.

~~**C403.2.4.1.3 Setpoint overlap restriction.** Where a zone has a separate heating and a separate cooling thermostatic control located within the zone, a limit switch, mechanical stop or direct digital control system with software programming shall be configured to prevent the heating set point from exceeding the cooling setpoint and to maintain a deadband in accordance with Section C403.2.4.1.2.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403242 ((Section C403.2.4.2—Off-hour controls:)) Reserved.**

~~((C403.2.4.2 Off hour controls. For all occupancies other than Group R, each zone shall be provided with thermostatic setback controls that are controlled by either an automatic time clock or programmable control system.~~

EXCEPTIONS:

1. Zones that will be operated continuously.
2. Zones with a full HVAC load demand not exceeding 6,800 Btu/h (2 kW) and having a readily accessible manual shutoff switch.

~~**C403.2.4.2.1 Thermostatic setback.** Thermostatic setback controls shall be configured to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C).~~

~~**C403.2.4.2.2 Automatic setback and shutdown.** Automatic time clock or programmable controls shall be capable of starting and stopping the system for seven different daily schedules per week and retaining their programming and time setting during a loss of power for at least 10 hours. Additionally, the controls shall have a manual override that allows temporary operation of the system for up to 2 hours; a manually operated timer configured to operate the system for up to 2 hours; or an occupancy sensor.~~

~~**C403.2.4.2.3 Automatic start capabilities.** Automatic start controls shall be provided for each HVAC system. The controls shall be capable of automatically adjusting the daily start time of the HVAC system in order to bring each space to the desired occupied temperature immediately prior to scheduled occupancy.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403243 ((Section C403.2.4.3—Shutoff dampers.)) Reserved.**

~~((C403.2.4.3 Shutoff dampers. Outdoor air supply, exhaust openings and relief outlets and stairway and shaft vents shall be provided with Class I motorized dampers.~~

Return air openings used for airside economizer operation shall be equipped with Class I motorized dampers.

Class I dampers shall have a maximum leakage rate of 4 cfm/ft<sup>2</sup> (20.3 L/s x m<sup>2</sup>) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D and shall be labeled by an approved agency for such purpose.

EXCEPTION: Motorized dampers on return air openings in unitary packaged equipment that have the minimum leakage rate available from the manufacturer shall be deemed to comply.

Outdoor air intake and exhaust dampers shall be installed with automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the *International Mechanical Code* or the dampers are opened to provide intentional economizer cooling.

Stairway and shaft vent dampers shall be installed with automatic controls configured to open upon the activation of any fire alarm initiating device of the building's fire alarm system or the interruption of power to the damper.

EXCEPTIONS: 1. Gravity (nonmotorized) dampers shall be permitted to be used as follows:

- 1.1. Relief dampers serving systems less than 5,000 cfm total supply shall be permitted in buildings less than three stories in height.
- 1.2. Gravity (nonmotorized) dampers in Group R occupancies where the design outdoor air intake or exhaust capacity does not exceed 400 cfm (189 L/s).

2. Combustion air intakes.

Gravity (nonmotorized) dampers shall have an air leakage rate not greater than 20 cfm/ft<sup>2</sup> (101.6 L/s x m<sup>2</sup>) where not less than 24 inches (610 mm) in either dimension and 40 cfm/ft<sup>2</sup> (203.2 L/s x m<sup>2</sup>) where less than 24 inches (610 mm) in either dimension. The rate of air leakage shall be determined at 1.0 inch water gauge (249 Pa) when tested in accordance with AMCA 500D for such purpose. The dampers shall be labeled by an approved agency. Gravity dampers for ventilation air intakes shall be protected from direct exposure to wind.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403244 ((Section C403.2.4.4—Zone isolation.)) Reserved.**

~~((C403.2.4.4 Zone isolation. HVAC systems serving zones that are over 25,000 square feet (2323 m<sup>2</sup>) in floor area or that span more than one floor and are designed to operate or be occupied nonsimultaneously shall be divided into isolation areas. Each isolation area shall be equipped with isolation~~

devices and controls configured to automatically shut off the supply of conditioned air and outdoor air to and exhaust air from the isolation area. Each isolation area shall be controlled independently by a device meeting the requirements of Section C403.2.4.2.2. Central systems and plants shall be provided with controls and devices that will allow system and equipment operation for any length of time while serving only the smallest isolation area served by the system or plant.

EXCEPTIONS: 1. Exhaust air and outdoor air connections to isolation areas where the fan system to which they connect is not greater than 5,000 cfm (2360 L/s).

2. Exhaust airflow from a single isolation area of less than 10 percent of the design airflow of the exhaust system to which it connects.

3. Isolation areas intended to operate continuously or intended to be inoperative only when all other isolation areas in a zone are inoperative.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403245 ((Section C403.2.4.5—Snow-melt and freeze protection controls.)) Reserved.**

~~((C403.2.4.5 Snow and ice melt system controls. Snow and ice melting systems, supplied through energy service to the building, shall include automatic controls configured to shut off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that is configured to shutoff when the outdoor temperature is above 40°F (4°C) so that the potential for snow or ice accumulation is negligible.~~

~~**C403.2.4.6 Freeze protection system controls.** Freeze protection systems, such as heat tracing of outdoor piping and heat exchangers, including self-regulating heat tracing, shall include automatic controls configured to shut off the systems when outdoor air temperatures are above 40°F (4°C) or when the conditions of the protected fluid will prevent freezing.)~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403246 ((Section C403.2.4.7—Economizer fault detection and Section C403.2.4.8—Combustion heating equipment controls.)) Reserved.**

~~((C403.2.4.7 Economizer fault detection and diagnostics (FDD). Air-cooled unitary direct expansion units with a cooling capacity of 54,000 Btu/h or greater listed in Tables C403.2.3(1) through C403.2.3(3) that are equipped with an economizer in accordance with Section C403.3 shall include a fault detection and diagnostics (FDD) system complying with the following:~~

1. The following temperature sensors shall be permanently installed to monitor system operation:
  - 1.1. Outside air.
  - 1.2. Supply air.
  - 1.3. Return air.
2. Temperature sensors shall have an accuracy of ±2°F (1.1°C) over the range of 40°F to 80°F (4°C to 26.7°C).

3. Refrigerant pressure sensors, where used, shall have an accuracy of  $\pm 3$  percent of full scale.

4. The unit controller shall be configured to provide system status by indicating the following:

4.1. Free cooling available.

4.2. Economizer enabled.

4.3. Compressor enabled.

4.4. Heating enabled.

4.5. Mixed air low limit cycle active.

4.6. The current value of each sensor.

5. The unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.

6. The unit shall be configured to report faults to a fault management application accessible by day-to-day operating or service personnel or annunciated locally on zone thermostats.

7. The FDD system shall be configured to detect the following faults:

7.1. Air temperature sensor failure/fault.

7.2. Not economizing when the unit should be economizing.

7.3. Economizing when the unit should not be economizing.

7.4. Damper not modulating.

7.5. Excess outdoor air.

#### **C403.2.4.8 Combustion heating equipment controls.**

Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: 1. Boilers.  
2. Radiant heaters.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403247 ((Sections C403.2.4.9 through C403.2.4.11—Group R controls:)) Reserved.**

~~((C403.2.4.9 Group R-1 hotel/motel guest rooms. For hotel and motel guest rooms, a minimum of one of the following control technologies shall be required in hotels/motels with over 50 guest rooms such that the space temperature would automatically setback (winter) or set up (summer) by no less than 5°F (3°C) when the occupant is not in the room:~~

1. Controls that are activated by the room occupant via the primary room access method—Key, card, deadbolt, etc.

2. Occupancy sensor controls that are activated by the occupant's presence in the room.

**C403.2.4.10 Group R-2 and R-3 dwelling units.** The primary space conditioning system within each dwelling unit shall be provided with at least one programmable thermostat for the regulation of space temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within the dwelling unit shall be provided with at least one adjustable thermostat for the regulation of temperature.

EXCEPTIONS: 1. Systems controlled by an occupant sensor that is configured to shut the system off when no occupant is sensed for a period of up to 30 minutes.

2. Systems controlled solely by a manually operated timer configured to operate the system for no more than two hours.

3. Ductless heat pumps.

Each thermostat shall be capable of being set by adjustment or selection of sensors and configured as follows: When used to control heating only: 55°F to 75°F; when used to control cooling only: 70°F to 85°F; all other: 55°F to 85°F with an adjustable deadband of not less than 10°F.

**C403.2.4.11 Group R-2 sleeping units.** The primary space conditioning system within each sleeping unit shall be provided with at least one programmable thermostat for the regulation of space temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within the sleeping unit shall be provided with at least one adjustable thermostat for the regulation of temperature.

EXCEPTIONS: 1. Systems controlled by an occupant sensor that is configured to shut the system off when no occupant is sensed for a period of up to 30 minutes.

2. Systems controlled solely by a manually operated timer configured to operate the system for no more than two hours.

3. Zones with a full HVAC load demand not exceeding 3,400 Btu/h (1 kW) and having a readily accessible manual shutoff switch.

4. Ductless heat pumps.

Each thermostat shall be capable of being set by adjustment or selection of sensors and configured as follows: When used to control heating only: 55°F to 75°F; when used to control cooling only: 70°F to 85°F; all other: 55°F to 85°F with an adjustable deadband of not less than 10°F.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403248 ((Section C403.2.4.12—Direct digital control systems:)) Reserved.**

~~((C403.2.4.12 Direct digital control systems. Direct digital control (DDC) shall be required as specified in Sections C403.2.4.12.1 through C403.2.4.12.3.~~

**C403.2.4.12.1 DDC applications.** DDC shall be provided in the applications and qualifications listed in Table C403.2.4.12.1.

**C403.2.4.12.2 DDC controls.** Where DDC is required by Section C403.2.4.12.1, the DDC system shall be capable of all of the following, as required to provide the system and zone control logic required in Sections C403.2, C403.3, and C403.4:

1. Monitoring zone and system demand for fan pressure, pump pressure, heating and cooling.

2. Transferring zone and system demand information from zones to air distribution system controllers and from air distribution systems to heating and cooling plant controllers.

**C403.2.4.12.3 DDC display.** Where DDC is required by Section C403.2.12.1 for new buildings, the DDC system shall be capable of trending and graphically displaying input and output points.

**Table C403.2.4.12.1  
DDC Applications and Qualifications**

<b>Building Status</b>	<b>Application</b>	<b>Qualifications</b>
New building	Air handling system and all zones served by the system	All air handling systems in buildings with building cooling capacity greater than 780,000 Btu/h
	Air handling system and all zones served by the system	Individual systems supplying more than three zones and with fan system bhp of 10 hp and larger
	Chilled water plant and all coils and terminal units served by the system	Individual plants supplying more than three zones and with design cooling capacity of 300,000 Btu/h and larger
	Hot water plant and all coils and terminal units served by the system	Individual plants supplying more than three zones and with design heating capacity of 300,000 Btu/h and larger
Alteration or addition	Zone terminal unit such as VAV box	Where existing zones served by the same air handling, chilled water, or hot water system have DDC
	Air handling system or fan coil	Where existing air handling system(s) and fan coil(s) served by the same chilled or hot water plant have DDC
	New air handling system and all new zones served by the system	Individual systems with fan system bhp of 10 hp and larger and supplying more than three zones and more than 75% of zones are new
	New or upgraded chilled water plant	Where all chillers are new and plant design cooling capacity is 300,000 Btu/h and larger
	New or upgraded hot water plant	Where all boilers are new and plant design heating capacity is 300,000 Btu/h and larger))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403249 ((Section C403.2.5 — Hot water boiler controls.)) Reserved.**

~~((C403.2.5 Hot water boiler outdoor temperature setback control. Hot water boilers that supply heat to the building through one or two pipe heating systems shall have an outdoor setback control that lowers the boiler water temperature based on the outdoor temperature.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40325 ((Section C403.2.6 — Ventilation.)) Reserved.**

~~((C403.2.6 Ventilation. Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the International Mechanical Code. Where mechanical ventilation is provided, the system shall be configured to provide no greater than 150 percent of the minimum outdoor air required by Chapter 4 of the International Mechanical Code or other applicable code or standard, whichever is greater.~~

- EXCEPTIONS:**
1. The mechanical system may supply outdoor air at rates higher than the limit above when it is used for particulate or VOC dilution, economizer, night flushing, dehumidification, pressurization, exhaust make-up, or other process air delivery. Outdoor air shall be reduced to the minimum ventilation rates when not required for the preceding uses.
  2. Air systems supplying Group R-1, R-2 or I-2 occupancies.
  3. Alterations that replace less than half of the total heating and cooling capacity of the system.
  4. Systems with energy recovery complying with the requirements of Section C403.5.1.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403252 ((Section C403.2.6.2 — Demand control ventilation.)) Reserved.**

~~((C403.2.6.2 Demand controlled ventilation. Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (50 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the International Mechanical Code) and served by systems with one or more of the following:~~

1. An air-side economizer;



~~2. Automatic modulating control of the outdoor air damper; or~~

~~3. A design outdoor airflow greater than 3,000 cfm (1416 L/s).~~

EXCEPTION: Demand control ventilation is not required for systems and spaces as follows:

1. Systems with energy recovery complying with Section C403.5.1.
2. Multiple-zone systems without direct digital control of individual zones communicating with a central control panel.
3. System with a design outdoor airflow less than 750 cfm (354 L/s).
4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1,200 cfm (566 L/s).
5. Ventilation provided for process loads only.
6. Spaces with one of the following occupancy categories (as defined by the *International Mechanical Code*): Correctional cells, day care sickrooms, science labs, barbers, beauty and nail salons, and bowling alley seating.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403253 ((Section C403.2.6.3 Occupancy sensors.)) Reserved.**

~~((C403.2.6.3 Occupancy sensors. Classrooms, gyms, auditoriums and conference rooms larger than 500 square feet of floor area shall have occupancy sensor control that will either close outside air dampers or turn off serving equipment when the space is unoccupied except where equipped with another means to automatically reduce outside air intake below design rates when spaces are partially occupied.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403254 ((Section C403.2.6.4 Loading dock and parking garage ventilation system controls.)) Reserved.**

~~((C403.2.6.4 Enclosed loading dock and parking garage exhaust ventilation system control. Mechanical ventilation systems for enclosed loading docks and parking garages shall be designed to exhaust the airflow rates (maximum and minimum) determined in accordance with the *International Mechanical Code*.~~

~~Ventilation systems shall be equipped with a control device that operates the system automatically by means of carbon monoxide detectors applied in conjunction with nitrogen dioxide detectors. Controllers shall be configured to shut off fans or modulate fan speed to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with the *International Mechanical Code* provisions.~~

~~Gas sensor controllers used to activate the exhaust ventilation system shall stage or modulate fan speed upon detection of specified gas levels. All equipment used in sensor controlled systems shall be designed for the specific use and~~

~~installed in accordance with the manufacturer's recommendations. The system shall be arranged to operate automatically by means of carbon monoxide detectors applied in conjunction with nitrogen dioxide detectors. Garages and loading docks shall be equipped with a controller and a full array of carbon monoxide (CO) sensors set to maintain levels of carbon monoxide below 35 parts per million (ppm). Additionally, a full array of nitrogen dioxide detectors shall be connected to the controller set to maintain the nitrogen dioxide level below the OSHA standard for eight hour exposure. Spacing and location of the sensors shall be installed in accordance with manufacturer recommendations.~~

**C403.2.6.4.1 System activation devices for enclosed loading docks.** Ventilation systems for enclosed loading docks shall be activated by one of the following:

1. Gas sensors installed in accordance with the *International Mechanical Code*; or
2. Occupant detection sensors used to activate the system that detects entry into the loading area along both the vehicle and pedestrian pathways.

**C403.2.6.4.2 System activation devices for enclosed parking garages.** Ventilation systems for enclosed parking garages shall be activated by gas sensors:

EXCEPTION: A parking garage ventilation system having a total design capacity under 8,000 cfm may use occupant sensors.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40326 ((Section C403.2.7 Exhaust systems.)) Reserved.**

~~((C403.2.7 Exhaust systems:~~

~~C403.2.7.1 Kitchen exhaust systems. Replacement air introduced directly into the exhaust hood cavity shall not be greater than 10 percent of the hood exhaust airflow rate. Conditioned supply air delivered to any space shall not exceed the greater of the following:~~

1. The ventilation rate required to meet the space heating or cooling load.
2. The hood exhaust flow minus the available transfer air from adjacent space where available transfer air is considered that portion of outdoor ventilation air not required to satisfy other exhaust needs, such as restrooms, and not required to maintain pressurization of adjacent spaces.

~~Where total kitchen hood exhaust airflow rate is greater than 2,000 cfm each hood shall be a factory built commercial exhaust hood listed by a nationally recognized testing laboratory in compliance with UL 710. Each hood shall have a maximum exhaust rate as specified in Table C403.2.7.1 and shall comply with one of the following:~~

1. Not less than 50 percent of all replacement air shall be transfer air that would otherwise be exhausted.
2. Demand ventilation systems on not less than 75 percent of the exhaust air that are configured to provide not less than a 50 percent reduction in exhaust and replacement air system airflow rates, including controls necessary to modulate airflow in response to appliance operation and to main-

tain full capture and containment of smoke, effluent and combustion products during cooking and idle.

3. Listed energy recovery devices with a sensible heat recovery effectiveness of not less than 40 percent on not less than 50 percent of the total exhaust airflow.

Where a single hood, or hood section, is installed over appliances with different duty ratings, the maximum allow-

able flow rate for the hood or hood section shall be based on the requirements for the highest appliance duty rating under the hood or hood section.

- EXCEPTIONS:
1. Where not less than 75 percent of all the replacement air is transfer air that would otherwise be exhausted.
  2. Certified grease extractor hoods that require a face velocity no greater than 60 fpm.

**Table C403.2.7.1  
Maximum Net Exhaust Flow Rate,  
CFM Per Linear Foot of Hood Length**

TYPE OF HOOD	LIGHT DUTY EQUIPMENT	MEDIUM DUTY EQUIPMENT	HEAVY DUTY EQUIPMENT	EXTRA HEAVY DUTY EQUIPMENT
Wall-mounted canopy	140	210	280	385
Single island	280	350	420	490
Double island (per side)	175	210	280	385
Eyebrow	175	175	NA	NA
Backshelf/pass-over	210	210	280	NA

For SI: 1 cfm = 0.4719 L/s; 1 foot = 305 mm

NA = Not allowed

**C403.2.7.2 Laboratory exhaust systems.** Buildings with laboratory exhaust systems having a total exhaust rate greater than 5,000 cfm (2360 L/s) shall include heat recovery systems to precondition makeup air from laboratory exhaust. The heat recovery system shall be capable of increasing the outside air supply temperature at design heating conditions by 25°F (13.9°C). A provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section C403.3.

- EXCEPTIONS:
1. Variable air volume laboratory exhaust and room supply systems configured to reduce exhaust and make-up air volume to 50 percent or less of design values; or
  2. Direct make-up (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) below room set point, cooled to no cooler than 3°F (1.7°C) above room set point, no humidification added, and no simultaneous heating and cooling used for dehumidification control; or
  3. Combined energy reduction method: VAV exhaust and room supply system configured to reduce exhaust and makeup air volumes and a heat recovery system to precondition makeup air from laboratory exhaust that when combined will produce the same energy reduction as achieved by a heat recovery system with a 50 percent sensible recovery effectiveness as required above. For calculation purposes, the heat recovery component can be assumed to include the maximum design supply airflow rate at design conditions. The combined energy reduction ( $Q_{ER}$ ) shall meet the following:

$$Q_{ER} \geq Q_{MIN}$$

$$Q_{MIN} = CFM_S \cdot (T_R - T_O) \cdot 1.1 \cdot 0.6$$

$$Q_{ER} = CFM_S \cdot (T_R - T_O) \cdot 1.1(A + B)/100$$

Where:

$$Q_{MIN} = \text{Energy recovery at 60 percent sensible effectiveness (Btu/h)}$$

- $Q_{ER}$  = Combined energy reduction (Btu/h)
- $CFM_S$  = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute
- $T_R$  = Space return air dry bulb at winter design conditions
- $T_O$  = Outdoor air dry bulb at winter design conditions
- A = Percentage that the exhaust and makeup air volumes can be reduced from design conditions
- B = Percentage sensible heat recovery effectiveness

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40327 ((Section C403.2.8—Duct and plenum insulation and sealing:)) Reserved.**

~~((C403.2.8 Duct and plenum insulation and sealing:~~

**C403.2.8.1** Ducts, shafts and plenums conveying outdoor air from the exterior of the building to the mechanical system shall meet all air leakage and building envelope insulation requirements of Section C402, plus building envelope vapor control requirements from the *International Building Code*, extending continuously from the building exterior to an automatic shutoff damper or heating or cooling equipment. For the purposes of building envelope insulation requirements, duct surfaces shall meet the requirements for metal framed walls per Table C402.1.4. Duct surfaces included as part of the building envelope shall not be used in the calculation of maximum glazing area as described in Section C402.4.1.

- EXCEPTIONS:
1. Outside air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity, provided these are insulated to R-7.
  2. Unheated equipment rooms with combustion air louvers, provided they are isolated from conditioned space at sides, top and bottom of the room with R-11 nominal insulation.

**C403.2.8.2** All other supply and return air ducts and plenums shall be insulated with a minimum of R-6 insulation where located in unconditioned spaces and where located outside the building with a minimum of R-8 insulation in Climate Zone 4 and R-12 insulation in Climate Zone 5. Where located within a building envelope assembly, the duct or plenum shall be separated from the building exterior or unconditioned or exempt spaces by minimum insulation value as required for exterior walls by Section C402.1.3.

- EXCEPTIONS:
1. Where located within equipment.
  2. Where the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15°F (8°C).

Where located within conditioned space, supply ducts which convey supply air at temperatures less than 55°F or greater than 105°F shall be insulated with a minimum of R-3.3 insulation.

- EXCEPTION: Ductwork exposed to view within a zone that serves that zone is not required to be insulated.

All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code*.

**C403.2.8.3 Duct construction.** Ductwork shall be constructed and erected in accordance with the *International Mechanical Code*.

**C403.2.8.3.1 Low pressure duct systems.** All longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (500 Pa) shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic plus embedded fabric systems or tapes installed in accordance with the manufacturer's installation instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

- EXCEPTION: Continuously welded and locking type longitudinal joints and seams on ducts operating at static pressures less than 2 inches water gauge (w.g.) (500 Pa) pressure classification.

**C403.2.8.3.2 Medium pressure duct systems.** All ducts and plenums designed to operate at a static pressure greater than 2 inches water gauge (w.g.) (500 Pa) but less than 3 inches w.g. (750 Pa) shall be insulated and sealed in accordance with Section C403.2.7. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

**C403.2.8.3.3 High pressure duct systems.** Ducts designed to operate at static pressures in excess of 3 inches water gauge (w.g.) (750 Pa) shall be insulated and sealed in accordance with Section C403.2.8. In addition, ducts and plenums shall be leak tested in accordance with the SMACNA *HVAC Air Duct Leakage Test Manual* and shown to have a rate of air leakage (*CL*) less than or equal to 4.0 as determined in accordance with Equation 4-9.

(Equation 4-9)

$$CL = F/P0.65$$

Where:

- F* = The measured leakage rate in cfm per 100 square feet of duct surface.
- P* = The static pressure of the test.

Documentation shall be furnished by the designer demonstrating that representative sections totaling at least 25 percent of the duct area have been tested and that all tested sections meet the requirements of this section.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40328 ((Section C403.2.9 Piping insulation.)) Reserved.**

((C403.2.9 Piping insulation. All piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Table C403.2.9.

- EXCEPTIONS:
1. Factory installed piping within HVAC equipment tested and rated in accordance with a test procedure referenced by this code.
  2. Factory installed piping within room fan coils and unit ventilators tested and rated according to AHRI 440 (except that the sampling and variation provisions of Section 6.5 shall not apply) and 840, respectively.
  3. Piping that conveys fluids that have a design operating temperature range between 60°F (15°C) and 105°F (41°C).
  4. Piping that conveys fluids that have not been heated or cooled through the use of fossil fuels or electric power.
  5. Strainers, control valves, and balancing valves associated with piping 1 inch (25 mm) or less in diameter.
  6. Direct buried piping that conveys fluids at or below 60°F (15°C).

**C403.2.9.1 Protection of piping insulation.** Piping insulation exposed to weather shall be protected from damage, including that due to sunlight, moisture, equipment maintenance and wind, and shall provide shielding from solar radiation that can cause degradation of the material. Adhesives tape shall not be permitted.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403281 ((Table C403.2.9 Minimum pipe insulation thickness.)) Reserved.**

((Table C403.2.9

**Minimum Pipe Insulation Thickness (thickness in inches)\***

Fluid Operating Temperature Range and Usage (°F)	Insulation Conductivity		Nominal Pipe or Tube Size (inches)				
	Conductivity Btu • in. / (h • ft <sup>2</sup> • °F) <sup>b</sup>	Mean Rating Temperature, °F	< 1	1 to < 1 1/2	1 1/2 to < 4	4 to < 8	≥ 8
> 350	0.32 – 0.34	250	4.5	5.0	5.0	5.0	5.0
251 – 350	0.29 – 0.32	200	3.0	4.0	4.5	4.5	4.5
201 – 250	0.27 – 0.30	150	2.5	2.5	2.5	3.0	3.0
141 – 200	0.25 – 0.29	125	1.5	1.5	2.0	2.0	2.0
105 – 140	0.21 – 0.28	100	1.0	1.0	1.5	1.5	1.5
40 – 60	0.21 – 0.27	75	0.5	0.5	1.0	1.0	1.0
< 40	0.20 – 0.26	75	0.5	1.0	1.0	1.0	1.5

- a For piping smaller than 1 1/2 inch (38 mm) and located in partitions within *conditioned spaces*, reduction of these thicknesses by 1 inch (25 mm) shall be permitted (before thickness adjustment required in footnote b) but not to a thickness less than 1 inch (25 mm).
- b For insulation outside the stated conductivity range, the minimum thickness (T) shall be determined as follows:

$$T = r \{ (1 + t/r)^{K/k} - 1 \}$$

Where:

- T = Minimum insulation thickness,
- r = Actual outside radius of pipe,
- t = Insulation thickness listed in the table for applicable fluid temperature and pipe size,
- K = Conductivity of alternate material at mean rating temperature indicated for the applicable fluid temperature (Btu • in/h • ft<sup>2</sup> • °F) and
- k = The upper value of the conductivity range listed in the table for the applicable fluid temperature.

- e For direct-buried heating and hot water system piping, reduction of these thicknesses by 1 1/2 inches (38 mm) shall be permitted (before thickness adjustment required in footnote b but not to thicknesses less than 1 inch (25 mm).)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40329 ((Section C403.2.10 Mechanical system commissioning and completion requirements.)) Reserved.**

**((C403.2.10 Mechanical systems commissioning and completion requirements. Mechanical systems shall be commissioned and completed in accordance with Section C408.))**

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-403291 ((Section C403.2.11 Air system design and control.)) Reserved.**

**((C403.2.11 Air system design and control. Each HVAC system having a total fan system motor nameplate horsepower (hp) exceeding 5 horsepower (hp) (3.7 kW) shall comply with the provisions of Sections C403.2.11.1 through C403.2.11.3.**

The air flow requirements of Section C403.2.11.5 shall apply to all fan motors. Group R occupancy exhaust fans shall also comply with Section C403.2.11.4.

**C403.2.11.1 Allowable fan motor horsepower.** Each HVAC system at fan system design conditions shall not exceed the allowable *fan system motor nameplate hp* (Option 1) or *fan system bhp* (Option 2) as shown in Table C403.2.11.1(1). This includes supply fans, exhaust fans,

return/relief fans, and fan-powered terminal units associated with systems providing heating or cooling capability. Single *zone* variable air volume systems shall comply with the constant volume fan power limitation.

- EXCEPTIONS:
1. Hospital, vivarium and laboratory systems that utilize flow control devices on exhaust or return to maintain space pressure relationships necessary for occupant health and safety or environmental control shall be permitted to use variable volume fan power limitation.
  2. Individual exhaust fans with motor nameplate horsepower of 1 hp or less are exempt from allowable fan motor horsepower requirements.

**C403.2.11.2 Motor nameplate horsepower.** For each fan, the selected fan motor shall be no larger than the first available motor size greater than the brake horsepower (bhp). The fan brake horsepower (bhp) shall be indicated on the design documents to allow for compliance verification by the *code official*.

- EXCEPTIONS:
1. For fans less than 6 bhp (4413 W), where the first available motor larger than the brake horsepower has a nameplate rating within 50 percent of the bhp, selection of the next larger nameplate motor size is allowed.
  2. For fans 6 bhp (4413 W) and larger, where the first available motor larger than the bhp has a nameplate rating within 30 percent of the bhp, selection of the next larger nameplate motor size is allowed.
  3. For fans used only in *approved* life safety applications such as smoke evacuation.

**C403.2.11.3 Fan efficiency.** Fans shall have a fan efficiency grade (FEG) of 67 or higher based on manufacturers' certified data, as defined by AMCA 205. The total efficiency of the fan at the design point of operation shall be within 15 percentage points of the maximum total efficiency of the fan.

- EXCEPTION:
- The following fans are not required to have a fan efficiency grade:
    1. Fans of 5 hp (3.7 kW) or less as follows:
      - 1.1. Single fan with a motor nameplate horsepower of 5 hp (3.7 kW) or less, unless Exception 1.2. applies.
      - 1.2. Multiple fans in series or parallel that have a combined motor nameplate horsepower of 5 hp (3.7 kW) or less and are operated as the functional equivalent of a single fan.
    2. Fans that are part of equipment covered under Section C403.2.3.
    3. Fans included in an equipment package certified by an approved agency for air or energy performance.
    4. Powered wall/roof ventilators.
    5. Fans outside the scope of AMCA 205.
    6. Fans that are intended to operate only during emergency conditions.

**C403.2.11.4 Group R occupancy exhaust fan efficacy.** The Group R occupancies of the building shall be provided with ventilation that meets the requirements of the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Mechanical ventilation system fans with 400 cfm or less in capacity shall meet the efficacy requirements of Table C403.2.11.4.

- EXCEPTIONS:
- 1. Group R heat recovery ventilator and energy recovery ventilator fans that are less than 400 cfm.
  - 2. Where whole house ventilation fans are integrated with forced-air systems that are tested and listed HVAC equipment, they shall be powered by an electronically commutated motor where required by Section C405.8.
  - 3. Domestic clothes dryer booster fans, domestic range hood exhaust fans, and domestic range booster fans that operate intermittently.

**C403.2.11.5 Fan airflow control.** Each cooling system listed in Table C403.2.11.5 shall be designed to vary the indoor fan airflow as a function of load and shall comply with the following requirements:

1. Direct expansion (DX) and chilled water cooling units that control the capacity of the mechanical cooling directly based on space temperature shall have not fewer than two stages of fan control. Low or minimum speed shall not be greater than 66 percent of full speed. At low or minimum speed, the fan system shall draw not more than 40 percent of the fan power at full fan speed. Low or minimum speed shall be used during periods of low cooling load and ventilation-only operation.
2. Other units including DX cooling units and chilled water units that control the space temperature by modulating the airflow to the space shall have modulating fan control. Minimum speed shall be not greater than 50 percent of full speed. At minimum speed, the fan system shall draw no more than 30 percent of the power at full fan speed. Low or minimum speed shall be used during periods of low cooling load and ventilation-only operation.

3. Units that include an airside economizer in accordance with Section C403.3 shall have not fewer than two speeds of fan control during economizer operation.

- EXCEPTIONS:
1. Modulating fan control is not required for chilled water and evaporative cooling units with fan motors of less than 1 hp (0.746 kW) where the units are not used to provide ventilation air and the indoor fan cycles with the load.
  2. Where the volume of outdoor air required to comply with the ventilation requirements of the *International Mechanical Code* at low speed exceeds the air that would be delivered at the minimum speed defined in this section, the minimum speed shall be selected to provide the required ventilation air.))

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403292 ((Tables for Section C403.2.11.)) Reserved.**

**((Table C403.2.11.1(1) Fan Power Limitation**

	Limit	Constant Volume	Variable Volume
Option 1: Fan system motor nameplate hp	Allowable nameplate motor hp	$hp \leq CFM_g \times 0.0011$	$hp \leq CFM_g \times 0.0015$
Option 2: Fan system bhp	Allowable fan system bhp	$bhp \leq CFM_g \times 0.00094 + A$	$bhp \leq CFM_g \times 0.0013 + A$

For SI: 1 cfm = 0.471 L/s, 1 bhp = 735.5 W, 1 hp = 745.5 W.

Where:

- CFM<sub>g</sub> = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute.
- hp = The maximum combined motor nameplate horsepower.
- bhp = The maximum combined fan brake horsepower.
- A = Sum of  $[PD \times CFM_D / 4131]$

Where:

- PD = Each applicable pressure drop adjustment from Table C403.2.10.1(2) in w.e.
- CFM<sub>D</sub> = The design airflow through each applicable device from Table C403.2.10.1(2) in cubic feet per minute.

**Table C403.2.11.1(2)**

**Fan Power Limitation Pressure Drop Adjustment**

Device	Adjustment
<b>Credits</b>	
Fully ducted return and/or exhaust air systems	0.5 inch w.e. (2.15 inches w.e. for laboratory and vivarium systems)
Return and/or exhaust airflow control devices	0.5 inch w.e.

Device	Adjustment
<b>Credits</b>	
Exhaust filters, scrubbers, or other exhaust treatment	The pressure drop of device calculated at fan system design condition
Particulate filtration credit: MERV 9 – 12	0.5 inch w.e.
Particulate filtration credit: MERV 13 – 15	0.9 inch w.e.
Particulate filtration credit: MERV 16 and greater and electronically enhanced filters	Pressure drop calculated at 2x clean filter pressure drop at fan system design condition
Carbon and other gas-phase air cleaners	Clean filter pressure drop at fan system design condition
Biosafety cabinet	Pressure drop of device at fan system design condition
Energy recovery device, other than coil runaround loop	(2.2 × energy recovery effectiveness) – 0.5 inch w.e. for each airstream
Coil runaround loop	0.6 inch w.e. for each airstream

Device	Adjustment
<b>Credits</b>	
Evaporative humidifier/cooler in series with another cooling coil	Pressure drop of device at fan system design conditions
Sound attenuation section (fans serving spaces with design background noise goals below NC35)	0.15 inch w.e.
Exhaust system serving fume hoods	0.35 inch w.e.
Laboratory and vivarium exhaust systems in high-rise buildings	0.25 inch w.e./100 feet of vertical duct exceeding 75 feet
<b>Deductions</b>	
Systems without central cooling device	-0.6 inch w.e.
Systems without central heating device	-0.3 inch w.e.
Systems with central electric resistance heat	-0.2 inch w.e.

For SI: 1 inch w.e. = 249 Pa, 1 inch = 25.4 mm.  
w.e. = water column.

**Table C403.2.11.4**  
**Mechanical Ventilation System Fan Efficiency**

Fan Location	Air Flow Rate Minimum (cfm)	Minimum Efficiency (cfm/watt)	Air Flow Rate Maximum (cfm)
Exhaust fan: Bathroom, utility room, whole-house	10	1.4 cfm/watt	< 90
Exhaust fan: Bathroom, utility room, whole-house	90	2.8 cfm/watt	Any

**Table C403.2.11.5**  
**Fan Control**

Cooling System Type	Fan Motor Size	Mechanical Cooling Capacity
DX cooling	Any	≥ 65,000 Btu/h
Chilled-water and evaporative cooling	≥ 5 hp	Any
	≥ 1/4 hp	Any))

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403293 ((Section C403.2.12 Heating outside a building.)) Reserved.**

~~((C403.2.12 Heating outside a building. Systems installed to provide heat outside a building shall be radiant systems.~~

~~Such heating systems shall be controlled by an occupancy sensing device or a timer switch, so that the system is automatically deenergized when no occupants are present.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403294 ((Section C403.2.13 System criteria.)) Reserved.**

~~((C403.2.13 Variable flow capability. For fan and pump motors 7.5 hp and greater including motors in or serving custom and packaged air handlers serving variable air volume fan systems, constant volume fans, heating and cooling hydronic pumping systems, pool and service water pumping systems, domestic water pressure boosting systems, cooling tower fan, and other pump or fan motors where variable flows are required, there shall be:~~

~~1. Variable speed drives; or~~

~~2. Other controls and devices that will result in fan and pump motor demand of no more than 30 percent of design wattage at 50 percent of design air volume for fans when static pressure set point equals 1/3 the total design static pressure, and 50 percent of design water flow for pumps, based on manufacturer's certified test data. Variable inlet vanes, throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.~~

~~EXCEPTION: Variable speed devices are not required for motors that serve:~~

~~1. Fans or pumps in packaged equipment where variable speed drives are not available as a factory option from the equipment manufacturer.~~

~~2. Fans or pumps that are required to operate only for emergency fire-life-safety events (e.g., stairwell pressurization fans, elevator pressurization fans, fire pumps, etc.).~~

~~**C403.2.13.1 Heat rejection equipment.** The requirements of this section apply to heat rejection equipment used in comfort cooling systems such as air-cooled condensers, open cooling towers, closed circuit cooling towers, and evaporative condensers.~~

~~EXCEPTION: Heat rejection devices included as an integral part of equipment listed in Tables C403.2.3(1) through C403.2.3(3).~~

~~Heat rejection equipment shall have a minimum efficiency performance not less than values specified in Table C403.2.3(8). These requirements apply to all propeller, axial fan and centrifugal fan cooling towers. Table C403.2.3(8) specifies requirements for air-cooled condensers that are within rating conditions specified within the table.~~

~~**C403.2.13.1.1 Variable flow controls.** Cooling tower fans 7.5 hp and greater shall have control devices that vary flow by controlling the leaving fluid temperature or condenser temperature/pressure of the heat rejection device.~~

~~**C403.2.13.1.2 Limitation on centrifugal fan cooling towers.** Open cooling towers with a combined rated capacity of 1,100 gpm and greater at 95°F condenser water return, 85°F condenser water supply and 75°F outdoor wet bulb temperature shall meet the energy efficiency requirement for axial fan open circuit cooling towers.~~

~~EXCEPTION: Open circuit cooling towers that are ducted (inlet or discharge) or have external sound attenuation that requires external static pressure capability.)~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-403295** (~~Section C403.2.14 Electric motor efficiency.~~) **Reserved.**

~~((C403.2.14 Electric motor efficiency. Electric motors, including fractional hp motors, shall comply with the provisions of Section C405.8.))~~

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40330 Section C403.3**—(~~Economizers~~) **Equipment selection.**

**C403.3** (~~Economizers (Prescriptive).~~ Air economizers shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear. Economizers shall comply with Sections C403.3.1 through C403.3.4.

- ~~EXCEPTIONS:~~
- ~~1. Systems complying with Section C403.6 Dedicated outdoor air systems (DOAS) with year-round cooling loads from lights and equipment of less than 5 watts per square foot.~~
  - ~~2. Unitary or packaged systems serving one zone with dehumidification that affect other systems so as to increase the overall building energy consumption. New humidification equipment shall comply with Section C403.2.3.4.~~
  - ~~3. Unitary or packaged systems serving one zone where the cooling efficiency meets or exceeds the efficiency requirements in Table C403.3.~~
  - ~~4. Water-cooled refrigeration equipment serving chilled beams and chilled ceiling space cooling systems only which are provided with a water economizer meeting the requirements of Section C403.3.4.~~
  - ~~5. Systems complying with all of the following criteria:~~
    - ~~5.1. Consist of multiple water source heat pumps connected to a common water loop;~~
    - ~~5.2. Have a minimum of 60 percent air economizer;~~
    - ~~5.3. Have water source heat pumps with an EER at least 15 percent higher for cooling and a COP at least 15 percent higher for heating than that specified in Section C403.2.3;~~
    - ~~5.4. Where provided, have a central boiler or furnace efficiency of 90 percent minimum for units up to 199,000 Btu/h; and~~
    - ~~5.5. Provide heat recovery with a minimum 50 percent heat recovery effectiveness as defined in Section C403.5 to preheat the outside air supply.~~
  - ~~6. For Group R occupancies, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h provided that these are high efficiency cooling equipment with IEER, SEER, and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. For split systems, compliance is based on the cooling capacity of individual fan coil units.~~

7. Variable-refrigerant flow (VRF) systems, multiple-zone split-system heat pumps, consisting of multiple, individually metered indoor units with multi-speed fan-motors, served on a single common refrigeration circuit with an exterior reverse-cycle heat pump with variable-speed compressor(s) and variable-speed condenser fan(s). These systems shall also be capable of providing simultaneous heating and cooling operation, where recovered energy from the indoor units operating in one mode can be transferred to one or more indoor units operating in the other mode, and shall serve at least 20-percent internal (no perimeter wall within 12') and 20-percent perimeter zones (as determined by conditioned floor area) and the outdoor unit shall be at least 65,000-Btu/h in total capacity. Systems utilizing this exception shall have 50-percent heat recovery effectiveness as defined by Section C403.5 on the outside air. For the purposes of this exception, dedicated server rooms, electronic equipment rooms or telecom switch rooms are not considered perimeter zones.

8. Equipment used to cool *Controlled Plant Growth Environments* provided these are high-efficiency cooling equipment with SEER, EER and IEER values a minimum of 20-percent greater than the values listed in Tables C403.2.3 (1), (3) and (7).

9. Equipment used to cool any spaces with year-round cooling loads from lights and equipment of greater than 5-watts per square foot, where it can be demonstrated through calculations, to the satisfaction of the *code official*, that the heat rejection load of the equipment will be recovered and used for on-site space heating or service-water heating demands such that the energy use of the building is decreased in comparison to a baseline of the same equipment provided with an air economizer complying with Section C403.3.

10. Equipment used to cool any dedicated server room, electronic equipment room or telecom switch room provided the system complies with Option a, b or c in the table below. The total capacity of all systems without economizers shall not exceed 240,000 Btu/h per building or 10-percent of its air economizer capacity, whichever is greater. This exception shall not be used for Total Building Performance.

	<b>Equipment Type</b>	<b>Higher Equipment Efficiency</b>	<b>Part-Load Control</b>	<b>Economizer</b>
Option a	Tables C403.2.3(1) and C403.2.3(2) <sup>a</sup>	+15% <sup>b</sup>	Required over 85,000 Btu/h <sup>c</sup>	None Required
Option b	Tables C403.2.3(1) and C403.2.3(2) <sup>a</sup>	+5% <sup>d</sup>	Required over 85,000 Btu/h <sup>c</sup>	Waterside Economizer <sup>e</sup>
Option c	ASHRAE Standard 127 <sup>f</sup>	+0% <sup>g</sup>	Required over 85,000 Btu/h <sup>c</sup>	Waterside Economizer <sup>e</sup>

Notes for Exception 10:

<sup>a</sup>For a system where all of the cooling equipment is subject to the AHRI standards listed in Tables C403.2.3(1) and C403.2.3(2), the system shall comply with all of the following (note that if the system contains any cooling equipment that exceeds the capacity limits in Table C403.2.3(1) or C403.2.3(2), or if the system contains any cooling equipment that is not included in Table C403.2.3(1) or C403.2.3(2), then the system is not allowed to use this option).

<sup>b</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 15-percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2).



<sup>e</sup>For units with a total cooling capacity over 85,000 Btu/h, the system shall utilize part-load capacity control schemes that are able to modulate to a part-load capacity of 50 percent of the load or less that results in the compressor operating at the same or higher EER at part loads than at full load (e.g., minimum of two stages of compressor unloading such as cylinder unloading, two-stage scrolls, dual tandem scrolls, but hot-gas bypass is not credited as a compressor unloading system).

<sup>e</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 5 percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2).

<sup>e</sup>The system shall include a water economizer in lieu of air economizer. Water economizers shall meet the requirements of C403.3.1 and C403.3.2 and be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 50°F dry-bulb/45°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures. The equipment shall be served by a dedicated condenser water system unless a nondedicated condenser water system exists that can provide appropriate water temperatures during hours when waterside economizer cooling is available.

<sup>f</sup>For a system where all cooling equipment is subject to ASHRAE Standard 127.

<sup>g</sup>The cooling equipment subject to the ASHRAE Standard 127 shall have an EER value and an IPLV value that is equal or greater than the value listed in Tables C403.2.3(1) and C403.2.3(2) when determined in accordance with the rating conditions ASHRAE Standard 127 (i.e., not the rating conditions in AHRI Standard 210/240 or 340/360). This information shall be provided by an independent third party.

**Table C403.3  
Equipment Efficiency Performance  
Exception for Economizers**

Climate Zones	Efficiency Improvement <sup>a</sup>
4C	64%
5B	59%

**Table C403.3.1  
DX-Cooling Stage Requirements for Modulating Airflow Units**

RATING CAPACITY	MINIMUM NUMBER OF MECHANICAL-COOLING STAGES	MINIMUM COMPRESSOR DISPLACEMENT <sup>a</sup>
≥ 65,000 Btu/h and < 240,000 Btu/h	3 stages	≤ 35% of full load
≥ 240,000 Btu/h	4 stages	≤ 25% full load

For SI: † British thermal unit per hour = 0.2931 W.

<sup>a</sup> For mechanical cooling stage control that does not use variable compressor displacement, the percent displacement shall be equivalent to the mechanical cooling capacity reduction evaluated at the full load rating conditions for the compressor.)

**Equipment and system sizing.** The output capacity of heating and cooling equipment shall be not greater than that of the smallest available equipment size that exceeds the loads calculated in accordance with Section C403.1.2. A single piece of equipment providing both heating and cooling shall satisfy

<sup>a</sup> If a unit is rated with an IPLV, IEER or SEER then to eliminate the required air or water economizer, the minimum cooling efficiency of the HVAC unit must be increased by the percentage shown. If the HVAC unit is only rated with a full-load metric like EER or COP cooling, then these must be increased by the percentage shown.))

**Equipment selection.** Heating and cooling equipment installed in mechanical systems shall be sized in accordance with Section C403.3.1 and shall not be less efficient in the use of energy than as specified in Section C403.3.2.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40331 Section C403.3.1—((Integrated economizer control)) Equipment and system sizing.**

**C403.3.1 ((Integrated economizer control.** Economizer systems shall be integrated with the mechanical cooling system and be configured to provide partial cooling even where additional mechanical cooling is required to provide the remainder of the cooling load. Controls shall not be capable of creating a false load in the mechanical cooling system by limiting or disabling the economizer or any other means, such as hot-gas bypass, except at the lowest stage of mechanical cooling.

Units that include an air economizer shall comply with the following:

1. Unit controls shall have the mechanical cooling capacity control interlocked with the air economizer controls such that the outdoor air damper is at the 100 percent open position when mechanical cooling is on and the outdoor air damper does not begin to close to prevent coil freezing due to minimum compressor run time until the leaving air temperature is less than 45°F (7°C).

2. Direct expansion (DX) units with cooling capacity 65,000 Btu/h (19 kW) or greater of rated capacity shall comply with the following:

2.1. DX units that control the capacity of the mechanical cooling directly based on occupied space temperature shall have not fewer than two stages of mechanical cooling capacity.

2.2. Other DX units, including those that control space temperature by modulating the airflow to the space, shall be in accordance with Table C403.3.1.

this provision for one function with the capacity for the other function as small as possible, within available equipment options.

**EXCEPTIONS:**

1. Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
2. Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that are configured to sequence the operation of each unit based on load.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40332 Section C403.3.2—(~~Economizer heating system impact~~) HVAC equipment performance requirements.**

~~C403.3.2 ((**Economizer heating system impact**, HVAC system design and economizer controls shall be such that economizer operation does not increase building heating energy use during normal operation.~~

**EXCEPTION:** Economizers on VAV systems that cause zone level heating to increase due to a reduction in supply air temperature.)

**HVAC equipment performance requirements.** Equipment shall meet the minimum efficiency requirements of Tables C403.3.2(1) through C403.3.2(12) when tested and rated in accordance with the applicable test procedure. Plate-type liquid-to-liquid heat exchangers shall meet the minimum requirements of Table C403.3.2(10). The efficiency shall be verified through certification and listed under an *approved* certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by the designer that demonstrates that the combined efficiency of the specified components meets the requirements herein.

Gas-fired and oil-fired forced air furnaces with input ratings > 225,000 Btu/h (65 kW) and all unit heaters shall also have an intermittent ignition or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings ≥ 225,000 Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75 percent of the input rating.

**C403.3.2.1 Chillers.** Chilled water plants and buildings with more than 500 tons total capacity shall not have more than 100 tons provided by air-cooled chillers.

**EXCEPTIONS:**

1. Where the designer demonstrates that the water quality at the building site fails to meet manufacturer's specifications for the use of water-cooled equipment.
2. Air-cooled chillers with minimum efficiencies at least 10 percent higher than those listed in Table C403.3.2(7).
3. Replacement of existing air-cooled chiller equipment.

4. Air-to-water heat pump units that are configured to provide both heating and cooling and that are rated in accordance with AHRI 550/590. Where the air-to-water heat pumps are designed for a maximum supply leaving water temperature of less than 140°F, the efficiency rating will be calculated and reported at the maximum unit leaving water temperature for this test condition.

**C403.3.2.2 Water-cooled centrifugal chilling package.** Equipment not designed for operation at AHRI Standard 550/590 test conditions of 44°F (7°C) leaving chilled-water temperature and 2.4 gpm/ton evaporator fluid flow and 85°F (29°C) entering condenser water temperature with 3 gpm/ton (0.054 L/s • kW) condenser water flow shall have maximum full-load kW/ton (FL) and *part-load* ratings adjusted using Equations 4-7 and 4-8.

$$FL_{adj} = FL/K_{adj}$$

**(Equation 4-7)**

$$PLV_{adj} = IPLV/K_{adj}$$

**(Equation 4-8)**

Where:

$$K_{adj} = A \times B$$

FL = Full-load kW/ton values as specified in Table C403.3.2(7)

FL<sub>adj</sub> = Maximum full-load kW/ton rating, adjusted for nonstandard conditions

IPLV = Value as specified in Table C403.3.2(7)

PLV<sub>adj</sub> = Maximum NPLV rating, adjusted for nonstandard conditions

$$A = 0.00000014592 \times (\text{LIFT})^4 - 0.0000346496 \times (\text{LIFT})^3 + 0.00314196 \times (\text{LIFT})^2 - 0.147199 \times \text{LIFT} + 3.9302$$

$$B = 0.0015 \times L_{vg}^{Evap} (\text{°F}) + 0.934$$

$$\text{LIFT} = L_{vg}^{Cond} - L_{vg}^{Evap}$$

L<sub>vg</sub><sup>Cond</sup> = Full-load condenser leaving fluid temperature (°F)

L<sub>vg</sub><sup>Evap</sup> = Full-load evaporator leaving temperature (°F)

The FL<sub>adj</sub> and PLV<sub>adj</sub> values are only applicable for centrifugal chillers meeting all of the following full-load design ranges:

1. Minimum evaporator leaving temperature: 36°F.
2. Maximum condenser leaving temperature: 115°F.
3. LIFT is not less than 20°F (11.1°C) and not greater than 80°F (44.4°C).

**C403.3.2.3 Positive displacement (air- and water-cooled) chilling packages.** Equipment with a leaving fluid temperature higher than 32°F (0°C) and water-cooled positive displacement chilling packages with a condenser leaving fluid temperature below 115°F (46°C) shall meet the requirements of Table C403.3.2(7) when tested or certified with water at

standard rating conditions, in accordance with the referenced test procedure.

**C403.3.2.4 Packaged electric heating and cooling equipment.** Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 6,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

**C403.3.2.5 Humidification.** If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type).

- EXCEPTIONS:
1. Health care facilities licensed by the state where chapter 246-320 or 246-330 WAC requires steam injection humidifiers in duct work downstream of final filters.
  2. Systems with water economizer.
  3. 100 percent outside air systems with no provisions for air recirculation to the central supply fan.
  4. Nonadiabatic humidifiers cumulatively serving no more than 10 percent of a building's air economizer capacity as measured in cfm. This refers to the system cfm serving rooms with stand alone or duct mounted humidifiers.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40333 Section C403.3.3—(~~Air economizers~~) Hot gas bypass.**

**C403.3.3 (~~Air economizers.~~** Air economizers shall comply with Sections C403.3.3.1 through C403.3.3.5.

**C403.3.3.1 Design capacity.** Air economizer systems shall be configured to modulate *outdoor air* and return air dampers to provide up to 100 percent of the design supply air quantity as *outdoor air* for cooling.

**C403.3.3.2 Control signal.** Economizer controls and dampers shall be configured to sequence the dampers with the mechanical cooling equipment and shall not be controlled by only mixed air temperature. Air economizers on systems with cooling capacity greater than 65,000 Btu/h shall be configured to provide partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load.

EXCEPTION: The use of mixed air temperature limit control shall be permitted for systems that are both controlled from space temperature (such as single zone systems) and having cooling capacity less than 65,000 Btu/h.

**C403.3.3.3 High limit shutoff.** Air economizers shall be configured to automatically reduce *outdoor air* intake to the design minimum *outdoor air* quantity when *outdoor air* intake will no longer reduce cooling energy usage. High limit shutoff control types for specific climates shall be chosen from Table C403.3.3.3. High limit shutoff control settings for these control types shall be those specified in Table C403.3.3.3.

**Table C403.3.3.3  
High-limit Shutoff Control Setting for Air Economizers<sup>b</sup>**

Device Type	Climate Zone	Required High Limit (economizer off when):	
		Equation	Description
Fixed dry-bulb	4C, 5B	$T_{OA} > 75^{\circ}\text{F}$	Outdoor air temperature exceeds 75°F
Differential dry-bulb	4C, 5B	$T_{OA} > T_{RA}$	Outdoor air temperature exceeds return air temperature
Fixed enthalpy with fixed dry-bulb temperatures	All	$h_{OA} > 28 \text{ Btu/lb}^*$ or $T_{OA} > 75^{\circ}\text{F}$	Outdoor air enthalpy exceeds 28 Btu/lb of dry air* or outdoor air temperature exceeds 75°F
Differential enthalpy with fixed dry-bulb temperature	All	$h_{OA} > h_{RA}$ or $T_{OA} > 75^{\circ}\text{F}$	Outdoor air enthalpy exceeds return air enthalpy or outdoor air temperature exceeds 75°F

For SI:  $^{\circ}\text{C} = (^{\circ}\text{F} - 32) \times 5/9$ , 1 Btu/lb = 2.33 kJ/kg.

\*At altitudes substantially different than sea level, the fixed enthalpy limit shall be set to the enthalpy value at 75°F and 50 percent relative humidity. As an example, at approximately 6,000 feet elevation the fixed enthalpy limit is approximately 30.7 Btu/lb.

<sup>b</sup>Devices with selectable setpoints shall be capable of being set to within 2°F and 2 Btu/lb of the setpoint listed.

**C403.3.3.4 Relief of excess outdoor air.** Systems shall be capable of relieving excess *outdoor air* during air economizer operation to prevent over-pressurizing the building. The relief air outlet shall be located to avoid recirculation into the building.

**C403.3.3.5 Economizer dampers.** Return, exhaust/relief and outdoor air dampers used in economizers shall comply with Section C403.2.4.3.)) **Hot gas bypass limitation.** Cooling systems shall not use hot gas bypass or other evaporator pressure control systems unless the system is designed with multiple steps of unloading or continuous capacity modula-

tion. The capacity of the hot gas bypass shall be limited as indicated in Table C403.3.3, as limited by Section C403.5.1.

**Table C403.3.3  
Maximum Hot Gas Bypass Capacity**

<u>Rated Capacity</u>	<u>Maximum Hot Gas Bypass Capacity (% of total capacity)</u>
<u>&lt; 240,000 Btu/h</u>	<u>50</u>
<u>≥ 240,000 Btu/h</u>	<u>25</u>

For SI: 1 British thermal unit per hour = 0.2931 W.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40334 Section C403.3.4—(~~Water-side economizers~~) Boiler turndown.**

~~C403.3.4 (~~Water-side economizers~~. Water-side economizers shall comply with Sections C403.3.4.1 and C403.3.4.2.~~

~~**C403.3.4.1 Design capacity.** Water economizer systems shall be capable of cooling supply air by indirect evaporation and providing up to 100 percent of the expected system cooling load at *outdoor air* temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) and below.~~

~~EXCEPTION: Systems where dehumidification requirements cannot be met using outdoor air temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) and where 100 percent of the expected system cooling load at 45°F dry-bulb (7.2°C dry-bulb)/40°F wet-bulb (4.5°C wet-bulb) is met with evaporative water economizers.~~

~~**C403.3.4.2 Maximum pressure drop.** Precooling coils and water-to-water heat exchangers used as part of a water economizer system shall either have a waterside pressure drop of less than 15 feet (4572 mm) of water or a secondary loop shall be created so that the coil or heat exchanger pressure drop is not seen by the circulating pumps when the system is in the normal cooling (noneconomizer) mode.) **Boiler turndown.** Boiler systems with design input of greater than~~

1,000,000 Btu/h (293 kW) shall comply with the turndown ratio specified in Table C403.3.4.

The system turndown requirement shall be met through the use of multiple single input boilers, one or more *modulating boilers* or a combination of single input and modulating boilers.

**Table C403.3.4  
Boiler Turndown**

<u>Boiler System Design Input (Btu/h)</u>	<u>Minimum Turndown Ratio</u>
<u>≥ 1,000,000 and less than or equal to 5,000,000</u>	<u>3 to 1</u>
<u>&gt; 5,000,000 and less than or equal to 10,000,000</u>	<u>4 to 1</u>
<u>≥ 10,000,000</u>	<u>5 to 1</u>

**NEW SECTION**

**WAC 51-11C-40335 Section C403.3.5—Dedicated outdoor air systems.**

**C403.3.5 Dedicated outdoor air systems (DOAS).** For buildings with occupancies as shown in Table C403.3.5, outdoor air shall be provided to each occupied space by a dedicated outdoor air system (DOAS) which delivers 100 percent outdoor air without requiring operation of the heating and cooling system fans for ventilation air delivery.

- EXCEPTIONS:
1. Occupied spaces that are not ventilated by a mechanical ventilation system and are only ventilated by a natural ventilation system per Section 402 of the *International Mechanical Code*.
  2. High efficiency variable air volume (VAV) systems complying with Section C403.6.10 for occupancy classifications other than Groups A-1, A-2 and A-3 as specified in Table C403.3.5, and high efficiency VAV systems comply with Section C403.12 for occupancy classification Groups A-1, A-2 and A-3 as specified in Table C403.3.5. This exception shall not be used as a substitution for a DOAS per Section C406.6.

**Table C403.3.5  
Occupancy Classifications Requiring DOAS**

<u>Occupancy Classification<sup>a</sup></u>	<u>Inclusions</u>	<u>Exempted</u>
A-1	All occupancies not specifically exempted	Television and radio studios
A-2	Casinos (gaming area)	All other A-2 occupancies
A-3	Lecture halls, community halls, exhibition halls, gymnasiums, courtrooms, libraries, places of religious worship	All other A-3 occupancies
A-4, A-5		All occupancies excluded

Occupancy Classification <sup>a</sup>	Inclusions	Exempted
B	All occupancies not specifically exempted	Food processing establishments including commercial kitchens, restaurants, cafeterias; laboratories for testing and research; data processing facilities and telephone exchanges; air traffic control towers; animal hospitals, kennels, pounds; ambulatory care facilities
F, H, I, R, S, U		All occupancies excluded
E, M	All occupancies included	

a. Occupancy classification from the *International Building Code* Chapter 3.

**C403.3.5.1 Energy recovery ventilation with DOAS.** The DOAS shall include *energy recovery ventilation*. The energy recovery system shall have a 60 percent minimum sensible recovery effectiveness or have 50 percent enthalpy recovery effectiveness in accordance with Section C403.7.6.1. For DOAS having a total fan system motor nameplate hp less than 5 hp, total combined fan power shall not exceed 1 W/cfm of outdoor air. For DOAS having a total fan system motor hp greater than or equal to 5 hp, refer to fan power limitations of Section C403.8.1. This fan power restriction applies to each dedicated outdoor air unit in the permitted project, but does not include the fan power associated with the zonal heating/cooling equipment. The airflow rate thresholds for energy recovery requirements in Tables C403.7.6.1(1) and C403.7.6.1(2) do not apply.

EXCEPTIONS:

1. Occupied spaces with all of the following characteristics: Complying with Section C403.7.6.1, served by equipment less than 5000 cfm, with an average occupant load greater than 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) that include demand control ventilation configured to reduce outdoor air by at least 50 percent below design minimum ventilation rates when the actual occupancy of the space served by the system is less than the design occupancy.
2. Systems installed for the sole purpose of providing makeup air for systems exhausting toxic, flammable, paint, or corrosive fumes or dust, dryer exhaust, or commercial kitchen hoods used for collecting and removing grease vapors and smoke.

**C403.3.5.2 Heating/cooling system fan controls.** Heating and cooling equipment fans, heating and cooling circulation pumps, and terminal unit fans shall cycle off and terminal unit primary cooling air shall be shut off when there is no call for heating or cooling in the zone.

EXCEPTION: Fans used for heating and cooling using less than 0.12 watts per cfm may operate when space temperatures are within the setpoint deadband (Section C403.4.1.2) to provide destratification and air mixing in the space.

**C403.3.5.3 Decoupled DOAS supply air.** The DOAS supply air shall be delivered directly to the occupied space or downstream of the terminal heating and/or cooling coils.

EXCEPTIONS:

1. Active chilled beam systems.

2. Sensible only cooling terminal units with pressure independent variable airflow regulating devices limiting the DOAS supply air to the greater of latent load or minimum ventilation requirements.
3. Terminal heating and/or cooling units that comply with the low fan power allowance requirements in the exception of Section C403.3.5.2.

**C403.3.5.4 Impracticality.** Where the code official determines that full compliance with all the requirements of Sections C403.3.5.1 and C403.3.5.2 would be impractical, it is permissible to provide an approved alternate means of compliance that achieves a comparable level of energy efficiency. For the purposes of this section, impractical means that an HVAC system complying with Section C403.3.5 cannot effectively be utilized due to an unusual use or configuration of the building.

NEW SECTION

**WAC 51-11C-40336 Section C403.3.6—Ventilation for Group R-2 occupancy.**

**C403.3.6 Ventilation for Group R-2 occupancy.** For all Group R-2 dwelling and sleeping units, a balanced ventilation system with heat recovery system with minimum 60 percent sensible recovery effectiveness shall provide outdoor air directly to all habitable space. The ventilation system shall allow for the design flow rates to be tested and verified at each habitable space as part of the commissioning process in accordance with Section C408.2.2.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40340 Section C403.4—(~~Hydronic and multiple-zone~~) HVAC system(~~s~~) controls.**

**C403.4 (~~Hydronic and multiple-zone~~) HVAC system controls (~~and equipment~~ prescriptive).** ~~Hydronic and multiple zone HVAC system controls and equipment shall comply with this section.~~

~~For buildings with a total equipment cooling capacity of 300 tons and above, the equipment shall comply with one of the following:~~

- ~~1. No one unit shall have a cooling capacity of more than 2/3 of the total installed cooling equipment capacity;~~
- ~~2. The equipment shall have a variable speed drive; or~~

3. ~~The equipment shall have multiple compressors),~~ HVAC systems shall be provided with controls in accordance with Sections C403.4.1 through C403.4.11 and shall be capable of and configured to implement all required control functions in this code.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40341 ((Reserved-)) Section C403.4.1—Thermostatic controls.**

**C403.4.1 Thermostatic controls.** The supply of heating and cooling energy to each *zone* shall be controlled by individual thermostatic controls capable of responding to temperature within the *zone*. Controls in the same zone or in neighboring zones connected by openings larger than 10 percent of the floor area of either zone shall not allow for simultaneous heating and cooling. At a minimum, each floor of a building shall be considered as a separate zone. Controls on systems required to have economizers and serving single zones shall have multiple cooling stage capability and activate the economizer when appropriate as the first stage of cooling. See Section C403.5 for further economizer requirements. Where humidification or dehumidification or both is provided, at least one humidity control device shall be provided for each humidity control system.

**EXCEPTIONS:**

1. Independent perimeter systems that are designed to offset only building envelope heat losses or gains or both serving one or more perimeter *zones* also served by an interior system provided:
  - 1.1. The perimeter system includes at least one thermostatic control *zone* for each building exposure having exterior walls facing only one orientation (within +/-45 degrees) (0.8 rad) for more than 50 contiguous feet (15,240 mm);
  - 1.2. The perimeter system heating and cooling supply is controlled by a thermostat located within the *zones* served by the system; and
  - 1.3. Controls are configured to prevent the perimeter system from operating in a different heating or cooling mode from the other equipment within the *zones* or from neighboring zones connected by openings larger than 10 percent of the floor area of either zone.
2. Any interior zone open to a perimeter zone shall have setpoints and deadbands coordinated so that cooling in the interior zone shall not operate while the perimeter zone is in heating until the interior zone temperature is 5°F (2.8°C) higher than the perimeter zone temperature, unless the interior and perimeter zones are separated by a partition whose permanent openings are smaller than 10 percent of the perimeter zone floor area.
3. Dedicated outdoor air units that provide ventilation air, make-up air or replacement air for exhaust systems are permitted to be controlled based on supply air temperature. The supply air temperature shall be controlled to a maximum of 65°F (18.3°C) in heating and a minimum of 72°F (22°C) in cooling unless the supply air temperature is being reset based on the status of cooling or heating in the zones served or it being reset based on outdoor air temperature.

**C403.4.1.1 Heat pump supplementary heat.** Unitary air cooled heat pumps shall include microprocessor controls that

minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators). Heat pumps equipped with supplementary heaters shall be installed with controls that prevent supplemental heater operation above 40°F (4.4°C).

**EXCEPTION:** Packaged terminal heat pumps (PTHPs) of less than 2 tons (24,000 Btu/hr) cooling capacity provided with controls that prevent supplementary heater operation above 40°F (4.4°C).

**C403.4.1.2 Deadband.** Where used to control both heating and cooling, zone thermostatic controls shall be configured to provide a temperature range or deadband of at least 5°F (2.8°C) within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

**EXCEPTIONS:**

1. Thermostats requiring manual changeover between heating and cooling modes.
2. Occupancies or applications requiring precision in indoor temperature control as approved by the code official.

**C403.4.1.3 Setpoint overlap restriction.** Where a *zone* has a separate heating and a separate cooling thermostatic control located within the zone, a limit switch, mechanical stop or direct digital control system with software programming shall be configured to prevent the heating setpoint from exceeding the cooling setpoint and to maintain a deadband in accordance with Section C403.4.1.2.

**C403.4.1.4 Heated or cooled vestibules.** The heating system for heated vestibules and air curtains with integral heating shall be provided with controls configured to shut off the source of heating when the outdoor air temperature is greater than 45°F (7°C). Vestibule heating and cooling systems shall be controlled by a thermostat located in the vestibule configured to limit heating to a temperature not greater than 60°F (16°C) and cooling to a temperature not less than 85°F (29°C).

**EXCEPTIONS:**

1. Control of heating or cooling provided by transfer air that would otherwise be exhausted.
2. Vestibule heating only systems are permitted to be controlled without an outdoor air temperature lockout when controlled by a thermostat located in the vestibule configured to limit heating to a temperature not greater than 45°F (7°C) where required for freeze protection of piping and sprinkler heads located in the vestibule.

**C403.4.1.5 Hot water boiler outdoor temperature setback control.** Hot water boilers that supply heat to the building through one- or two-pipe heating systems shall have an outdoor setback control that lowers the boiler water temperature based on the outdoor temperature.

**C403.4.1.6 Door switches for HVAC system thermostatic control.** Doors that open to the outdoors from a conditioned space must have controls configured to do the following once doors have been open for 5 minutes:

1. Disable the mechanical heating to the zone or reset the space heating temperature setpoint to 55°F or less within 5 minutes of the door open enable signal.

2. Disable the mechanical cooling to the zone or reset the space cooling temperature setpoint to 85°F or more within 5 minutes of the door open enable signal.

EXCEPTIONS: 1. Building entrances with vestibules.  
2. Alterations to existing buildings.  
3. Loading docks.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40342 Section ((~~C403.4.1~~ Fan))**  
**C403.4.2—Off-hour controls.**

~~((C403.4.1 Multiple zone system fan control. Controls shall be provided for fans in accordance with Sections C403.4.1.1 through C403.4.1.2.~~

~~**C403.4.1.1 Static pressure sensor location.** Static pressure sensors used to control VAV fans shall be located such that the controller setpoint is no greater than 1.2 inches w.e. (2099 Pa). Where this results in one or more sensors being located downstream of major duct splits, not less than one sensor shall be located on each major branch to ensure that static pressure can be maintained in each branch.~~

~~EXCEPTION: Systems complying with Section C403.4.1.2.~~

~~**C403.4.1.2 Set points for direct digital control.** For systems with direct digital control of individual zones reporting to the central control panel, the static pressure setpoint shall be reset based on the zone requiring the most pressure. In such cases, the set point is reset lower until one zone damper is nearly wide open. The direct digital controls shall be capable of monitoring zone damper positions or shall have an alternative method of indicating the need for static pressure that is configured to provide all of the following:~~

- ~~1. Automatically detecting any zone that excessively drives the reset logic.~~
- ~~2. Generating an alarm to the system operational location.~~
- ~~3. Allowing an operator to readily remove one or more zones from the reset algorithm.)~~

~~**C403.4.2 Off-hour controls.** For all occupancies other than Group R, each zone shall be provided with thermostatic setback controls that are controlled by either an automatic time clock or programmable control system.~~

EXCEPTIONS: 1. Zones that will be operated continuously.  
2. Zones with a full HVAC load demand not exceeding 6,800 Btu/h (2 kW) and having a manual shutoff switch located with ready access.

**C403.4.2.1 Thermostatic setback.** Thermostatic setback controls shall be configured to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C).

**C403.4.2.2 Automatic setback and shutdown.** Automatic time clock or programmable controls shall be capable of starting and stopping the system for seven different daily schedules per week and retaining their programming and time setting during a loss of power for at least 10 hours. Additionally, the controls shall have a manual override that allows temporary operation of the system for up to 2 hours; a manu-

ally operated timer configured to operate the system for up to 2 hours; or an occupancy sensor.

**C403.4.2.3 Automatic start and stop.** Automatic start and stop controls shall be provided for each HVAC system. The automatic start controls shall be configured to automatically adjust the daily start time of the HVAC system in order to bring each space to the desired occupied temperature immediately prior to scheduled occupancy. The automatic stop controls shall be configured to reduce the HVAC system's heating temperature setpoint and increase the cooling temperature setpoint by at least 2°F (1.1°C) before scheduled unoccupied periods based upon the thermal lag and acceptable drift in space temperature that is within comfort limits. At a minimum, the controls shall be a function of the space temperature, occupied and unoccupied temperatures, and the amount of time prior to scheduled occupancy.

**C403.4.2.4 Exhaust system off-hour controls.** For all occupancies other than Group R, exhaust systems serving spaces within the conditioned envelope shall be controlled by either an automatic time clock, thermostatic controls or programmable control system to operate on the same schedule as the HVAC systems providing their make-up air.

EXCEPTIONS: 1. Exhaust systems requiring continuous operation.  
2. Exhaust systems that are controlled by occupancy sensor control configured with automatic on and automatic shutoff within 15 minutes after occupants have left the space.

**C403.4.2.5 Transfer and destratification fan system off-hour controls.** For all occupancies other than Group R, transfer fan or mixing fan systems serving spaces within the conditioned envelope shall be controlled by either an automatic time clock, thermostatic controls or programmable control system to operate on the same schedule as the associated HVAC systems.

EXCEPTION: Transfer fan and destratification fan systems that are controlled by occupancy sensor control configured with manual on and automatic shutoff within 15 minutes after occupants have left the space.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40343 Section ((~~C403.4.2~~)) C403.4.3—Hydronic systems controls.**

~~((C403.4.2))~~ **C403.4.3 Hydronic systems controls.** The heating of fluids that have been previously mechanically cooled and the cooling of fluids that have been previously mechanically heated shall be limited in accordance with Sections ((~~C403.4.2.1~~)) C403.4.3.1 through ((~~C403.4.2.3~~)) C403.4.3.3. Hydronic heating systems comprised of multiple-packaged boilers and designed to deliver conditioned water or steam into a common distribution system shall include automatic controls configured to sequence operation of the boilers. Hydronic heating systems comprised of a single boiler and greater than 500,000 Btu/h (146,550 W) input design capacity shall include either a multi-staged or modulating burner.

~~((C403.4.2.1))~~ **C403.4.3.1 Three-pipe system.** Hydronic systems that use a common return system for both hot water and chilled water are prohibited.

~~((C403.4.2.2))~~ **C403.4.3.2 Two-pipe changeover system.** Systems that use a common distribution system to supply both heated and chilled water shall be designed to allow a dead band between changeover from one mode to the other of at least 15°F (8.3°C) outside air temperatures; be designed to and provided with controls that will allow operation in one mode for at least 4 hours before changing over to the other mode; and be provided with controls that allow heating and cooling supply temperatures at the changeover point to be no more than 30°F (16.7°C) apart.

~~((C403.4.2.3))~~ **C403.4.3.3 Hydronic (water loop) heat pump systems.** Hydronic heat pump systems shall comply with Sections ~~((C403.4.2.3.1))~~ **C403.4.3.3.1** through ~~((C403.4.2.3.3))~~ **C403.4.3.3.3.**

~~((C403.4.2.3.1))~~ **C403.4.3.3.1 Temperature dead band.** Hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection and heat addition shall have controls that are configured to provide a heat pump water supply temperature dead band of at least 20°F (11.1°C) between initiation of heat rejection and heat addition by the central devices.

EXCEPTION: Where a system loop temperature optimization controller is installed and can determine the most efficient operating temperature based on real time conditions of demand and capacity, dead bands of less than 20°F (11°C) shall be permitted.

~~((C403.4.2.3.2))~~ **C403.4.3.3.2 Heat rejection.** ~~((Heat rejection equipment shall comply with Sections C403.4.2.3.2.1 and C403.4.2.3.2.2.))~~ The following shall apply to hydronic water loop heat pump systems:

1. Where a closed-circuit cooling tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass the flow of water around the closed-circuit cooling tower, except for the minimum flow necessary for freeze protection. Flow controls for freeze protection shall not allow water through the closed-circuit cooling tower when outdoor temperatures are above the freezing point of the glycol/water solution, i.e., 32°F (0°C) for 100 percent water applications and 18°F (-7.8°C) for 20 percent by mass propylene glycol solution.

2. Where an open-circuit cooling tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the open-circuit cooling tower.

3. Where an open-circuit cooling tower is used in conjunction with a separate heat exchanger to isolate the open-circuit cooling tower from the heat pump loop, heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

EXCEPTION: Where it can be demonstrated that a heat pump system will be required to reject heat throughout the year.

~~((C403.4.2.3.2.1 Climate Zone 4.~~ For Climate Zone 4:

~~1. If a closed-circuit cooling tower is used directly in the heat pump loop, either an automatic valve shall be installed to~~

~~bypass all but a minimal flow of water around the tower, or lower leakage positive closure dampers shall be provided.~~

~~2. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.~~

~~3. If an open or closed-circuit cooling tower is used in conjunction with a separate heat exchanger to isolate the cooling tower from the heat pump loop, then heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.~~

~~C403.4.2.3.2.2 Climate Zone 5.~~ For Climate Zone 5, if an open or closed-circuit cooling tower is used, then a separate heat exchanger shall be provided to isolate the cooling tower from the heat pump loop, and heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop and providing an automatic valve to stop the flow of fluid.

~~C403.4.2.3.3))~~ **C403.4.3.3.3 Isolation valve.** Each hydronic heat pump on the hydronic system having a total pump system power exceeding 10 horsepower (hp) (7.5 kW) shall have a two-way (but not three-way) valve. For the purposes of this section, pump system power is the sum of the nominal power demand (i.e., nameplate horsepower at nominal motor efficiency) of motors of all pumps that are required to operate at design conditions to supply fluid from the heating or cooling source to all heat transfer devices (e.g., coils, heat exchanger) and return it to the source. This converts the system into a variable flow system and, as such, the primary circulation pumps shall comply with the variable flow requirements in Section ~~((C403.4.2.6.~~

~~C403.4.2.4 Part load controls.~~ Hydronic systems greater than or equal to 300,000 Btu/h (88 kW) in design output capacity supplying heated or chilled water to comfort conditioning systems shall include controls that are configured to:

~~1. Automatically reset the supply water temperatures in response to varying building heating and cooling demand using coil valve position, zone return water temperature or outdoor air temperature. The temperature shall be reset by not less than 25 percent of the design supply to return water temperature difference.~~

EXCEPTION: Hydronic systems serving hydronic heat pumps.

~~2. Automatically vary fluid flow for hydronic systems with a combined motor capacity of 3 hp or larger with three or more control valves or other devices by reducing the system design flow rate by not less than 50 percent by designed valves that modulate or step open and close, or pumps that modulate or turn on and off as a function of load.~~

~~3. Automatically vary pump flow on chilled water systems and heat rejection loops serving water-cooled unitary air conditioners with a combined motor capacity of 3 hp or larger by reducing pump design flow by not less than 50 percent utilizing adjustable speed drives on pumps, or multiple staged pumps where not less than one-half of the total pump horsepower is capable of being automatically turned off. Pump flow shall be controlled to maintain one control valve nearly wide open or to satisfy the minimum differential pressure.~~

EXCEPTIONS: 1. Supply water temperature reset for chilled water systems supplied by off-site district chilled water or chilled water from ice storage systems.



2. Minimum flow rates other than 50 percent as required by the equipment manufacturer for proper operation of equipment where using flow bypass or end-of-line 3-way valves.

3. Variable pump flow on dedicated equipment circulation pumps where configured in primary/secondary design to provide the minimum flow requirements of the equipment manufacturer for proper operation of equipment.

**C403.4.2.5 Boiler turndown.** *Boiler systems* with design input of greater than 1,000,000 Btu/h (293 kW) shall comply with the turndown ratio specified in Table C403.4.2.5.

The system turndown requirement shall be met through the use of multiple single input boilers, one or more *modulating boilers* or a combination of single input and modulating boilers.

**Table C403.4.2.5  
Boiler Turndown**

Boiler System Design Input (Btu/h)	Minimum Turndown Ratio
≥ 1,000,000 and less than or equal to 5,000,000	3 to 1
> 5,000,000 and less than or equal to 10,000,000	4 to 1
> 10,000,000	5 to 1

**C403.4.2.6 Pump isolation.** Chilled water plants including more than one chiller shall be capable of and configured to reduce flow automatically through the chiller plant when a chiller is shut down and automatically shut off flow to chillers that are shut down. Chillers piped in series for the purpose of increased temperature differential shall be considered as one chiller.

EXCEPTION: Chillers that are piped in series for the purpose of increased temperature differential.

Boiler plants including more than one boiler shall be capable of and configured to reduce flow automatically through the boiler plant when a boiler is shut down.

**C403.4.2.7 Variable flow controls.** Individual pumps required by this code to have variable speed control shall be controlled in one of the following manners:

1. For systems having a combined pump motor horsepower less than or equal to 20 hp (15 kW) and without direct digital control of individual coils, pump speed shall be a function of either:

- 1.1. Required differential pressure; or
- 1.2. Reset directly based on zone hydronic demand, or other zone load indicators; or
- 1.3. Reset directly based on pump power and pump differential pressure.

2. For systems having a combined pump motor horsepower that exceeds 20 hp (15 kW) or smaller systems with direct digital control, pump speed shall be a function of either:

- 2.1. The static pressure set point as reset based on the valve requiring the most pressure; or

2.2. ~~Directly controlled based on zone hydronic demand~~)) C403.4.5.

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-40344 Section ((C403.4.3—Heat rejection equipment)) C403.4.4—Part load controls.**

~~((C403.4.3 Heat rejection equipment.~~ Heat rejection equipment such as air-cooled condensers, dry coolers, open-circuit cooling towers, closed-circuit cooling towers and evaporative condensers used for comfort cooling applications shall comply with this section.

EXCEPTION: Heat rejection devices where energy usage is included in the equipment efficiency ratings listed in Tables C403.2.3(1)A, C403.2.3(1)B, C403.2.3(1)C, C403.2.3(2), C403.2.3(3), C403.2.3(7) and C403.2.3(9).

**C403.4.3.1 Fan speed control.** The fan speed shall be controlled as provided in Sections C403.4.3.1.1 and C403.4.3.1.2.

**C403.4.3.1.1 Fan motors not less than 7.5 hp.** Each fan powered by a motor of 7.5 hp (5.6 kW) or larger shall have controls that automatically change the fan speed to control the leaving fluid temperature or condensing temperature/pressure of the heat rejection device.

~~C403.4.3.1.2 Multiple cell heat rejection equipment.~~ Multiple cell heat rejection equipment with variable speed fan drives shall be controlled in both of the following manners:

1. To operate the maximum number of fans allowed that comply with the manufacturer's requirements for all system components:

2. So all fans can operate at the same fan speed required for the instantaneous cooling duty, as opposed to staged (on/off) operation. Minimum fan speed shall be the minimum allowable speed of the fan drive system in accordance with the manufacturer's recommendations.

~~C403.4.3.2 Limitation on centrifugal fan open circuit cooling towers.~~ Centrifugal fan open-circuit cooling towers with a combined rated capacity of 1,100 gpm (4164 L/m) or greater at 95°F (35°C) condenser water return, 85°F (29°C) condenser water supply, and 75°F (24°C) outdoor air wet-bulb temperature shall meet the energy efficiency requirement for axial fan open-circuit cooling towers listed in Table C403.2.3(8).

EXCEPTION: Centrifugal open-circuit cooling towers that are designed with inlet or discharge ducts or require external sound attenuation.

~~C403.4.3.3 Tower flow turndown.~~ Open-circuit cooling towers used on water-cooled chiller systems that are configured with multiple or variable speed condenser water pumps shall be designed so that all open-circuit cooling tower cells can be run in parallel with the larger of the flow that is produced by the smallest pump at its minimum expected flow rate or at 50 percent of the design flow for the cell.))

**C403.4.4 Part load controls.** Hydronic systems greater than or equal to 300,000 Btu/h (88 kW) in design output capacity

supplying heated or chilled water to comfort conditioning systems shall include controls that are configured to:

1. Automatically reset the supply-water temperatures in response to varying building heating and cooling demand using coil valve position, zone-return water temperature or outdoor air temperature. The temperature shall be reset by not less than 25 percent of the design supply-to-return water temperature difference.

EXCEPTION: Hydronic systems serving hydronic heat pumps.

2. Automatically vary fluid flow for hydronic systems with a combined pump motor capacity of 2 hp or larger with three or more control valves or other devices by reducing the system design flow rate by not less than 50 percent or the maximum reduction allowed by the equipment manufacturer for proper operation of equipment by valves that modulate or step open and close, or pumps that modulate or turn on and off as a function of load.

3. Automatically vary pump flow on heating water systems, chilled-water systems and heat rejection loops serving water-cooled unitary air conditioners as follows:

3.1 Where pumps operate continuously or operate based on a time schedule, pumps with nominal output motor power of 2 hp or more shall have a variable speed drive.

3.2 Where pumps have automatic direct digital control configured to operate pumps only when zone heating or cooling is required, a variable speed drive shall be provided for pumps with motors having the same or greater nominal output power indicated in Table C403.4.4 based on the climate zone and system served.

4. Where variable speed drive is required by Item 3 of this section, pump motor power input shall be not more than 30 percent of design wattage at 50 percent of the design water flow. Pump flow shall be controlled to maintain one control valve nearly wide open or to satisfy the minimum differential pressure.

- EXCEPTIONS:
1. Supply-water temperature reset is not required for chilled-water systems supplied by off-site district chilled water or chilled water from ice storage systems.
  2. Variable pump flow is not required on dedicated coil circulation pumps where needed for freeze protection.
  3. Variable pump flow is not required on dedicated equipment circulation pumps where configured in primary/secondary design to provide the minimum flow requirements of the equipment manufacturer for proper operation of equipment.
  4. Variable speed drives are not required on heating water pumps where more than 50 percent of annual heat is generated by an electric boiler.

**Table C403.4.4  
Variable Speed Drive (VSD) Requirements for  
Demand-Controlled Pumps**

<u>Climate Zones 4c, 5b</u>	<u>VSD Required for Motors with Rated Output of at Least</u>
<u>Heating water pumps</u>	<u>≥7.5 hp</u>
<u>Chilled water and heat rejection loop pumps</u>	<u>≥10 hp</u>

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40345 Section ((C403.4.4—Requirements for mechanical systems serving multiple zones)) C403.4.5—Pump isolation.**

((C403.4.4 Requirements for mechanical systems serving multiple zones. Sections C403.4.4.1 through C403.4.4.4 shall apply to mechanical systems serving multiple zones. Supply air systems serving multiple zones shall be VAV systems which, during periods of occupancy, are designed and configured to reduce primary air supply to each zone to one of the following before reheating, recooling or mixing takes place:

1. Thirty percent of the maximum supply air to each zone:
2. Three hundred cfm (142 L/s) or less where the maximum flow rate is less than 10 percent of the total fan system supply airflow rate.
3. The minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.
4. Any higher rate that can be demonstrated to reduce overall system annual energy use by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system, as approved by the code official.
5. The airflow rates to comply with applicable codes or accreditation standards such as pressure relationships or minimum air change rates.

- EXCEPTION: The following define where individual zones or where entire air distribution systems are exempted from the requirement for VAV control:
1. Zones or supply air systems where at least 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered or site-solar energy source.
  2. Zones where special humidity levels are required to satisfy process needs.
  3. Zones with a peak supply air quantity of 300 cfm (142 L/s) or less and where the flow rate is less than 10 percent of the total fan system supply airflow rate.
  4. Zones without DDC for which the volume of air that is reheated, re-cooled or remixed is less than the larger of the following:
    - 4.1. 30 percent of the zone design peak supply rate.
    - 4.2. The outdoor airflow rate required to meet the ventilation requirements of Chapter 4 of the *International Mechanical Code* for the zone.
    - 4.3. Any higher rate that can be demonstrated, to the satisfaction of the code official, to reduce overall system annual energy usage by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system.
    - 4.4. The airflow rate required to comply with applicable codes or accreditation standards, such as pressure relationships or minimum air change rates.
  5. Zones with DDC that comply with all of the following:
    - 5.1. The airflow rate in dead band between heating and cooling does not exceed the larger of the following:
      - 5.1.1. 20 percent of the zone design peak supply rate.

5.1.2. The outdoor air flow rate required to meet the ventilation requirements of Chapter 4 of the *International Mechanical Code* for the zone.

5.1.3. Any higher rate that can be demonstrated, to the satisfaction of the code official, to reduce overall system annual energy usage by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system.

5.1.4. The airflow rate required to comply with applicable codes or accreditation standards, such as pressure relationships or minimum air change rates.

5.2. The airflow rate that is reheated, re-cooled, or mixed shall be less than 50 percent of the zone design peak supply rate.

5.3. The first stage of heating consists of modulating the zone supply air temperature setpoint up to a maximum setpoint while the airflow is maintained at the dead band flow rate.

5.4. The second stage of heating consists of modulating the airflow rate from the dead band flow rate up to the heating maximum flow rate.

6. *Zones* or supply air systems with thermostatic and humidistatic controls capable of operating in sequence the supply of heating and cooling energy to the *zones* and which are configured to prevent reheating, re-cooling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

**C403.4.4.1 Single duct variable air volume (VAV) systems, terminal devices.** Single duct VAV systems shall use terminal devices capable of and configured to reduce the supply of primary supply air before reheating or re-cooling takes place.

**C403.4.4.2 Dual duct and mixing VAV systems, terminal devices.** Systems that have one warm air duct and one cool air duct shall use terminal devices which are capable of and configured to reduce the flow from one duct to a minimum before mixing of air from the other duct takes place.

**C403.4.4.3 Multiple zone VAV system ventilation optimization control.** Multiple zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency ( $E_v$ ) as defined by the *International Mechanical Code*.

EXCEPTIONS:

1. VAV systems with zonal transfer fans that recirculate air from other zones without directly mixing it with outdoor air, dual-duct dual-fan VAV systems, and VAV systems with fan-powered terminal units.
2. Systems having exhaust air energy recovery complying with Section C403.5.
3. Systems where total design exhaust airflow is more than 70 percent of total design outdoor air intake flow requirements.

**C403.4.4.4 Supply air temperature reset controls.** Multiple zone HVAC systems shall include controls that automatically reset the supply air temperature in response to representative building loads, or to outdoor air temperature. The controls shall be capable of resetting the supply air temperature

at least 25 percent of the difference between the design supply air temperature and the design room air temperature.

EXCEPTIONS:

1. Systems that prevent reheating, re-cooling or mixing of heated and cooled supply air.
2. Seventy-five percent of the energy for reheating is from site-recovered or site solar energy sources.
3. Zones with peak supply air quantities of 300 cfm (142 L/s) or less.)

**C403.4.5 Pump isolation.** Chilled water plants including more than one chiller shall be capable of and configured to reduce flow automatically through the chiller plant when a chiller is shut down and automatically shut off flow to chillers that are shut down. Chillers piped in series for the purpose of increased temperature differential shall be considered as one chiller.

EXCEPTION: Chillers that are piped in series for the purpose of increased temperature differential.

Boiler systems including more than one boiler shall be capable of and configured to reduce flow automatically through the boiler system when a boiler is shut down.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40346 ((Reserved)) Section C403.4.6—Variable flow controls.**

**C403.4.6 Variable flow controls.** Individual pumps required by this code to have variable speed control shall be controlled in one of the following manners:

1. For systems having a combined pump motor horsepower less than or equal to 20 hp (15 kW) and without direct digital control of individual coils, pump speed shall be a function of either:

1.1. Required differential pressure; or

1.2. Reset directly based on zone hydronic demand, or other zone load indicators; or

1.3. Reset directly based on pump power and pump differential pressure.

1.4. Reset directly by an integral controller based on the relationship between variable speed controller frequency and power.

2. For systems having a combined pump motor horsepower that exceeds 20 hp (15 kW) or smaller systems with direct digital control, pump speed shall be a function of either:

2.1. The static pressure set point as reset based on the valve requiring the most pressure; or

2.2. Directly controlled based on zone hydronic demand.

2.3. Reset directly by an integral controller based on the relationship between variable speed controller frequency and power.

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-40347 Section ((C403.4.6—Hot gas bypass limitation)) C403.4.7—Combustion heating equipment controls.**

~~((C403.4.6 Hot gas bypass limitation. Cooling systems shall not use hot gas bypass or other evaporator pressure control systems unless the system is designed with multiple steps of unloading or continuous capacity modulation. The capacity of the hot gas bypass shall be limited as indicated in Table C403.4.6, as limited by Section C403.3.1.~~

**Table C403.4.6  
Maximum Hot Gas Bypass Capacity**

Rated Capacity	Maximum Hot Gas Bypass Capacity (% of total capacity)
≤ 240,000 Btu/h	50
> 240,000 Btu/h	25

For SI: † British thermal unit per hour = 0.2931 W.)

**C403.4.7 Combustion heating equipment controls.** Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

- EXCEPTIONS:
1. Boilers.
  2. Radiant heaters.

**C403.4.7.1 Combustion decorative vented appliance, combustion fireplace and fire pit controls.** Combustion decorative vented appliances, combustion fireplaces and fire pits shall be equipped with local controls to limit operation to a maximum duration of one hour without override hold capability or shall be controlled by occupancy sensor control configured with manual on and automatic shutoff within 15 minutes after occupants have left the space.

NEW SECTION

**WAC 51-11C-40348 Sections C403.4.8 through C403.4.10—Group R requirements.**

**C403.4.8 Group R-1 hotel/motel guestrooms.** See Section C403.7.4.

**C403.4.9 Group R-2 and R-3 dwelling units.** The primary space conditioning system within each dwelling unit shall be provided with at least one programmable thermostat for the regulation of space temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within the dwelling unit shall be provided with at least one adjustable thermostat for the regulation of temperature.

- EXCEPTIONS:
1. Systems controlled by an occupant sensor that is configured to shut the system off when no occupant is sensed for a period of up to 30 minutes.
  2. Systems controlled solely by a manually operated timer configured to operate the system for no more than 2 hours.
  3. Ductless heat pumps.

Each thermostat shall be capable of being set by adjustment or selection of sensors and configured as follows:

1. When used to control heating only: 55°F to 75°F.

2. When used to control cooling only: 70°F to 85°F.
3. All other: 55°F to 85°F with an adjustable deadband configured to at least 5°F in accordance with Section C403.4.1.2.

**C403.4.10 Group R-2 sleeping units.** The primary space conditioning system within each sleeping unit shall be provided with at least one programmable thermostat for the regulation of space temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within the sleeping unit shall be provided with at least one adjustable thermostat for the regulation of temperature.

- EXCEPTIONS:
1. Systems controlled by an occupant sensor that is configured to shut the system off when no occupant is sensed for a period of up to 30 minutes.
  2. Systems controlled solely by a manually operated timer configured to operate the system for no more than 2 hours.
  3. Zones with a full HVAC load demand not exceeding 3,400 Btu/h (1 kW) and having a manual shutoff switch located with ready access.
  4. Ductless heat pumps.

Each thermostat shall be capable of being set by adjustment or selection of sensors and configured as follows:

1. When used to control heating only: 55°F to 75°F.
2. When used to control cooling only: 70°F to 85°F.
3. All other: 55°F to 85°F with an adjustable deadband configured to at least 5°F in accordance with Section C403.4.1.2.

NEW SECTION

**WAC 51-11C-40349 Section C403.4.11—DDC systems.**

**C403.4.11 Direct digital control systems.** Direct digital control (DDC) shall be required as specified in Sections C403.4.11.1 through C403.4.11.3.

**C403.4.11.1 DDC applications.** DDC shall be provided in the applications and qualifications listed in Table C403.4.11.1.

**C403.4.11.2 DDC controls.** Where DDC is required by Section C403.4.11.1, the DDC system shall be capable of all of the following, as required to provide the system and zone control logic required in Sections C403.2, C403.5, C403.6.8 and C403.4.3:

1. Monitoring zone and system demand for fan pressure, pump pressure, heating and cooling.
2. Transferring zone and system demand information from zones to air distribution system controllers and from air distribution systems to heating and cooling plant controllers.

**C403.4.11.3 DDC display.** Where DDC is required by Section C403.4.11.1 for new buildings, the DDC system shall be capable of trending and graphically displaying input and output points.

**Table C403.4.11.1  
DDC Applications and Qualifications**

<b>Building Status</b>	<b>Application</b>	<b>Qualifications</b>
New building	Air-handling system and all zones served by the system	All air-handling systems in buildings with building cooling capacity greater than 780,000 Btu/h
	Air-handling system and all zones served by the system	Individual systems supplying more than three zones and with fan system bhp of 10 hp and larger
	Chilled-water plant and all coils and terminal units served by the system	Individual plants supplying more than three zones and with design cooling capacity of 300,000 Btu/h and larger
	Hot-water plant and all coils and terminal units served by the system	Individual plants supplying more than three zones and with design heating capacity of 300,000 Btu/h and larger
Alteration or addition	Zone terminal unit such as VAV box	Where existing zones served by the same air-handling, chilled-water, or hot-water system have DDC
	Air-handling system or fan coil	Where existing air-handling system(s) and fan coil(s) served by the same chilled- or hot-water plant have DDC
	New air-handling system and all new zones served by the system	Individual systems with fan system bhp of 10 hp and larger and supplying more than three zones and more than 75 percent of zones are new
	New or upgraded chilled-water plant	Where all chillers are new and plant design cooling capacity is 300,000 Btu/h and larger
	New or upgraded hot-water plant	Where all boilers are new and plant design heating capacity is 300,000 Btu/h and larger

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40350 Section C403.5—(~~Energy recovery~~) Economizers.**

**C403.5 (~~Energy recovery~~).**

**C403.5.1 Energy recovery ventilation systems.** Any system with minimum outside air requirements at design conditions greater than 5,000 cfm or any system where the system's supply airflow rate exceeds the value listed in Tables C403.5.1(1) and C403.5.1(2), based on the climate zone and percentage of outdoor airflow rate at design conditions, shall include an energy recovery system. Table C403.5.1(1) shall be used for all ventilation systems that operate less than 8,000 hours per year, and Table C403.5.1(2) shall be used for all ventilation systems that operate 8,000 hours or more per year. The energy recovery system shall have the capability to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery system shall include a bypass or controls which permit operation of the economizer as required by Section C403.3. Where a single room or space is supplied by multiple units, the aggregate ventilation (cfm) of those units shall be used in applying this requirement. The return/exhaust air stream temperature for heat recovery device selection shall be 70°F (21°C) at 30 percent relative humidity, or as calculated by the registered design professional.

**EXCEPTION:**

An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are restricted per Section 514 of the *International Mechanical Code* to sensible energy, recovery shall comply with one of the following:
  - 1.1. Kitchen exhaust systems where they comply with Section C403.2.7.1.
  - 1.2. Laboratory fume hood systems where they comply with Exception 2 of Section C403.5.1.
  - 1.3. Other sensible energy recovery systems with the capability to provide a change in dry bulb temperature of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and the return air dry bulb temperatures, at design conditions.
2. Laboratory fume hood systems that include at least one of the following features and also comply with Section C403.2.7.2:
  - 2.1. Variable air volume hood exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design values.
  - 2.2. Direct makeup (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) above room setpoint, cooled to no cooler than 3°F (1.7°C) below room setpoint, no humidification added, and no simultaneous heating and cooling used for dehumidification control.
3. Systems serving spaces that are heated to less than 60°F (15.5°C) and are not cooled.
4. Where more than 60 percent of the outdoor air heating energy is provided from site-recovered or site solar energy.

- 5. Systems exhausting toxic, flammable, paint or corrosive fumes or dust.
- 6. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7 and 8.
- 7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
- 8. Multiple-zone systems where the supply airflow rate is less than the values specified in Tables C403.5.1 (1) and (2), for the corresponding percent of outdoor air. Where a value of NR is listed, energy recovery shall not be required.
- 9. Systems serving Group R dwelling or sleeping units where the largest source of air exhausted at a single location at the building exterior is less than 25 percent of the design outdoor air flow rate.

**Table C403.5.1(1)**  
**Energy Recovery Requirement**  
**(Ventilation systems operating less than 8,000 hours per year)**

Percent (%) Outdoor Air at Full Design Airflow Rate								
Climate zone	≥ 10% and < 20%	≥ 20% and < 30%	≥ 30% and < 40%	≥ 40% and < 50%	≥ 50% and < 60%	≥ 60% and < 70%	≥ 70% and < 80%	≥ 80%
Design Supply Fan Airflow Rate (cfm)								
4C, 5B	NR	NR	NR	NR	NR	NR	≥ 5000	≥ 5000

NR = Not required.

**Table C403.5.1(2)**  
**Energy Recovery Requirement**  
**(Ventilation systems operating not less than 8,000 hours per year)**

Percent (%) Outdoor Air at Full Design Airflow Rate								
Climate zone	≥ 10% and < 20%	≥ 20% and < 30%	≥ 30% and < 40%	≥ 40% and < 50%	≥ 50% and < 60%	≥ 60% and < 70%	≥ 70% and < 80%	≥ 80%
Design Supply Fan Airflow Rate (cfm)								
4C	NR	≥ 19500	≥ 9000	≥ 5000	≥ 4000	≥ 3000	≥ 1500	≥ 0
5B	≥ 2500	≥ 2000	≥ 1000	≥ 500	≥ 0	≥ 0	≥ 0	≥ 0

NR = Not required.

**C403.5.2 Condensate systems.** On-site steam heating systems shall have condensate water heat recovery. On-site includes a system that is located within or adjacent to one or more buildings within the boundary of a contiguous area or campus under one ownership and which serves one or more of those buildings.

Buildings using steam generated off-site with steam heating systems which do not have condensate water recovery shall have condensate water heat recovery.

**C403.5.3 Condenser heat recovery.** Facilities having food service, meat or deli departments and having 500,000 Btu/h or greater of remote refrigeration condensers shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, space heating or for dehumidification reheat. Facilities having a gross conditioned floor area of 40,000 ft<sup>2</sup> or greater and 1,000,000 Btu/h or greater of remote refrigeration shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, and either for space

heating or for dehumidification reheat for maintaining low space humidity.

**C403.5.4 Heat recovery for service water heating.** Condenser heat recovery shall be installed for heating or reheating of service hot water provided the facility operates 24 hours a day, the total installed heat capacity of water cooled systems exceeds 1,500,000 Btu/hr of heat rejection, and the design service water heating load exceeds 250,000 Btu/hr.

The required heat recovery system shall have the capacity to provide the smaller of:

1. Sixty percent of the peak heat rejection load at design conditions; or
2. The preheating required to raise the peak service hot water draw to 85°F (29°C).

**EXCEPTIONS:** 1. Facilities that employ condenser heat recovery for space heating or reheat purposes with a heat recovery design exceeding 30 percent of the peak water-cooled condenser load at design conditions.

2. Facilities that provide 60 percent of their service water heating from site solar or site recovered energy or from other sources;))

**Economizers.** Air economizers shall be provided on all new cooling systems including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear. Economizers shall comply with Sections C403.5.1 through C403.5.5.

- EXCEPTIONS:**
1. Cooling systems not installed outdoors nor in a mechanical room adjacent to outdoors and installed in conjunction with DOAS complying with Section C403.3.5 and serving only spaces with year-round cooling loads from lights and equipment of less than 5 watts per square foot.
  2. Unitary or packaged systems serving one zone with dehumidification that affect other systems so as to increase the overall building energy consumption. New humidification equipment shall comply with Section C403.3.2.5.
  3. Unitary or packaged systems serving one zone where the cooling efficiency meets or exceeds the efficiency requirements in Table C403.5.
  4. Equipment serving chilled beams and chilled ceiling space cooling systems only which are provided with a water economizer meeting the requirements of Section C403.5.4.
  5. For Group R occupancies, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h provided that these are high-efficiency cooling equipment with IEER, CEER, SEER, and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.3.2 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. For split systems, compliance is based on the cooling capacity of individual fan coil units.

6. Equipment used to cool *Controlled Plant Growth Environments* provided these are high-efficiency cooling equipment with SEER, EER and IEER values a minimum of 20 percent greater than the values listed in Tables C403.3.2 (1), (3) and (7).

7. Equipment serving a space with year-round cooling loads from lights and equipment of 5 watts per square foot or greater complying with the following criteria:

7.1. Equipment serving the space utilizes chilled water as the cooling source; and

7.2. The chilled water plant includes a condenser heat recovery system that meets the requirements of Section C403.9.5 or the building and water-cooled system meets the following requirements:

7.2.1. A minimum of 90 percent (capacity-weighted) of the building space heat is provided by hydronic heating water.

7.2.2. Chilled water plant includes a heat recovery chiller or water-to-water heat pump capable of rejecting heat from the chilled water system to the hydronic heating equipment capacity.

8. Water-cooled equipment served by systems meeting the requirements of Section C403.9.8 Condenser heat recovery.

9. Equipment used to cool any dedicated server room, electronic equipment room or telecom switch room provided the system complies with option a, b, or c in the table below. The total cooling capacity of all fan systems without economizers shall not exceed 240,000 Btu/h per building or 10 percent of its air economizer capacity, whichever is greater. This exception shall not be used for total building performance.

	<b>Equipment Type</b>	<b>Higher Equipment Efficiency</b>	<b>Part-Load Control</b>	<b>Economizer</b>
<u>Option a</u>	<u>Tables C403.3.2(1) and C403.3.2(2)<sup>a</sup></u>	<u>+15%<sup>b</sup></u>	<u>Required over 85,000 Btu/h<sup>c</sup></u>	<u>None Required</u>
<u>Option b</u>	<u>Tables C403.3.2(1) and C403.3.2(2)<sup>a</sup></u>	<u>+5%<sup>d</sup></u>	<u>Required over 85,000 Btu/h<sup>c</sup></u>	<u>Waterside Economizer<sup>e</sup></u>
<u>Option c</u>	<u>ASHRAE Standard 127<sup>f</sup></u>	<u>+0%<sup>g</sup></u>	<u>Required over 85,000 Btu/h<sup>c</sup></u>	<u>Waterside Economizer<sup>e</sup></u>

Notes for Exception 9:

<sup>a</sup>For a system where all of the cooling equipment is subject to the AHRI standards listed in Tables C403.3.2(1) and C403.3.2(2), the system shall comply with all of the following (note that if the system contains any cooling equipment that exceeds the capacity limits in Table C403.3.2(1) or C403.3.2(2), or if the system contains any cooling equipment that is not included in Table C403.3.2(1) or C403.3.2(2), then the system is not allowed to use this option).

<sup>b</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 15 percent greater than the value listed in Tables C403.3.2(1) and C403.3.2(2).

<sup>c</sup>For units with a total cooling capacity over 85,000 Btu/h, the system shall utilize part-load capacity control schemes that are able to modulate to a part-load capacity of 50 percent of the load or less that results in the compressor operating at the same or higher EER at part loads than at full load (e.g., minimum of two-stages of compressor unloading such as cylinder unloading, two-stage scrolls, dual tandem scrolls, but hot gas bypass is not credited as a compressor unloading system).

<sup>d</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 5 percent greater than the value listed in Tables C403.3.2(1) and C403.3.2(2).

<sup>e</sup>The system shall include a water economizer in lieu of air economizer. Water economizers shall meet the requirements of C403.5.1 and C403.5.2 and be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 50°F dry-bulb/45°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures. The equipment shall be served by a dedicated condenser water system unless a nondedicated condenser water system exists that can provide appropriate water temperatures during hours when waterside economizer cooling is available.

<sup>f</sup>For a system where all cooling equipment is subject to ASHRAE Standard 127.

<sup>g</sup>The cooling equipment subject to the ASHRAE Standard 127 shall have an EER value and an IPLV value that is equal to or greater than the value listed in Tables C403.3.2(1) and C403.3.2(2) when determined in accordance with the rating conditions ASHRAE Standard 127 (i.e., not the rating conditions in AHRI Standard 210/240 or 340/360). This information shall be provided by an independent third party.

**Table C403.5  
Equipment Efficiency Performance  
Exception for Economizers**

<u>Climate Zones</u>	<u>Efficiency Improvement<sup>a</sup></u>
<u>4C</u>	<u>64%</u>
<u>5B</u>	<u>59%</u>

<sup>a</sup>If a unit is rated with an IPLV, IEER or SEER then to eliminate the required air or water economizer, the minimum cooling efficiency of the HVAC unit must be increased by the percentage shown. If the HVAC unit is only rated with a full load metric like EER or COP cooling, then these must be increased by the percentage shown.

**NEW SECTION**

**WAC 51-11C-40351 Section C403.5.1—Integrated economizer control.**

**C403.5.1 Integrated economizer control.** Economizer systems shall be integrated with the mechanical cooling system and be configured to provide partial cooling even where additional mechanical cooling is required to provide the remainder of the cooling load. Controls shall not be capable of creating a false load in the mechanical cooling system by limiting or disabling the economizer or any other means, such as hot gas bypass, except at the lowest stage of mechanical cooling.

Units that include an air economizer shall comply with the following:

1. Unit controls shall have the mechanical cooling capacity control interlocked with the air economizer controls such that the outdoor air damper is at the 100 percent open position when mechanical cooling is on and the outdoor air damper does not begin to close to prevent coil freezing due to minimum compressor run time until the leaving air temperature is less than 45°F (7°C).

2. Direct expansion (DX) units with cooling capacity 65,000 Btu/h (19 kW) or greater of rated capacity shall comply with the following:

2.1. DX units that control the capacity of the mechanical cooling directly based on occupied space temperature shall have not fewer than two stages of mechanical cooling capacity.

2.2. Other DX units, including those that control space temperature by modulating the airflow to the space, shall be in accordance with Table C403.5.1.

**Table C403.5.1  
DX Cooling Stage Requirements for Modulating Airflow Units**

<b>Rating Capacity</b>	<b>Minimum Number of Mechanical Cooling Stages</b>	<b>Minimum Compressor Displacement<sup>a</sup></b>
≥ 65,000 Btu/h and < 240,000 Btu/h	3 stages	≤ 35% of full load
≥ 240,000 Btu/h	4 stages	≤ 25% full load

For SI: 1 British thermal unit per hour = 0.2931 W.

<sup>a</sup>For *mechanical cooling* stage control that does not use variable compressor displacement, the percent displacement shall be equivalent to the mechanical cooling capacity reduction evaluated at the full load rating conditions for the compressor.

**NEW SECTION**

**WAC 51-11C-40352 Section C403.5.2—Economizer heating system impact.**

**C403.5.2 Economizer heating system impact.** HVAC system design and economizer controls shall be such that economizer operation does not increase building heating energy use during normal operation.

**EXCEPTION:** Economizers on VAV systems that cause *zone* level heating to increase due to a reduction in supply air temperature.



NEW SECTION

**WAC 51-11C-40353 Section C403.5.3—Air economizers.**

**C403.5.3 Air economizers.** Air economizers shall comply with Sections C403.5.3.1 through C403.5.3.5.

**C403.5.3.1 Design capacity.** Air economizer systems shall be configured to modulate *outdoor air* and return air dampers to provide up to 100 percent of the design supply air quantity as *outdoor air* for cooling.

**C403.5.3.2 Control signal.** Economizer controls and dampers shall be configured to sequence the dampers with the mechanical cooling equipment and shall not be controlled by only mixed air temperature. Air economizers on systems with cooling capacity greater than 65,000 Btu/h shall be config-

ured to provide partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load.

**EXCEPTION:** The use of mixed air temperature limit control shall be permitted for systems that are both controlled from space temperature (such as single *zone* systems) and having cooling capacity less than 65,000 Btu/h.

**C403.5.3.3 High-limit shutoff.** Air economizers shall be configured to automatically reduce *outdoor air* intake to the design minimum *outdoor air* quantity when *outdoor air* intake will no longer reduce cooling energy usage. High-limit shutoff control types for specific climates shall be chosen from Table C403.5.3.3. High-limit shutoff control settings for these control types shall be those specified in Table C403.5.3.3.

**Table C403.5.3.3  
High-Limit Shutoff Control Setting for Air Economizers<sup>b</sup>**

Device Type	Required High Limit (Economizer off when):		Required High Limit For Cycling Fans <sup>c</sup> (Economizer off when):	
	Equation	Description	Equation	Description
Fixed dry-bulb	$T_{OA} > 75^{\circ}\text{F}$	Outdoor air temperature exceeds 75°F	$T_{OA} > 70^{\circ}\text{F}$	Outdoor air temperature exceeds 70°F
Differential dry-bulb	$T_{OA} > T_{RA}$	Outdoor air temperature exceeds return air temperature	$T_{OA} > (T_{RA} - 5)$	Outdoor air temperature exceeds return air temperature - 5
Fixed enthalpy with fixed dry-bulb temperatures	$h_{OA} > 28 \text{ Btu/lb}^{\text{a}}$ or $T_{OA} > 75^{\circ}\text{F}$	Outdoor air enthalpy exceeds 28 Btu/lb of dry air <sup>a</sup> or outdoor air temperature exceeds 75°F	$h_{OA} > 26 \text{ Btu/lb}^{\text{a}}$ or $T_{OA} > 70^{\circ}\text{F}$	Outdoor air enthalpy exceeds 26 Btu/lb of dry air <sup>d</sup> or outdoor air temperature exceeds 70°F
Differential enthalpy with fixed dry-bulb temperature	$h_{OA} > h_{RA}$ or $T_{OA} > 75^{\circ}\text{F}$	Outdoor air enthalpy exceeds return air enthalpy or outdoor air temperature exceeds 75°F	$h_{OA} > (h_{RA} - 2)$ or $T_{OA} > 70^{\circ}\text{F}$	Outdoor air enthalpy exceeds return air enthalpy or outdoor air temperature exceeds 70°F

For SI: °C = (°F - 32) × 5/9, 1 Btu/lb = 2.33 kJ/kg.

<sup>a</sup>At altitudes substantially different than sea level, the fixed enthalpy limit shall be set to the enthalpy value at 75°F and 50 percent relative humidity. As an example, at approximately 6,000 feet elevation the fixed enthalpy limit is approximately 30.7 Btu/lb.

<sup>b</sup>Devices with selectable setpoints shall be capable of being set to within 2°F and 2 Btu/lb of the setpoint listed.

<sup>c</sup>Where fans cycle on only to provide heating and cooling, limits are adjusted lower to compensate for fan energy use in economizer mode.

<sup>d</sup>For cycling fans at altitudes substantially different than sea level, the fixed enthalpy limit shall be set to the enthalpy value at 70°F and 50 percent relative humidity.

**C403.5.3.4 Relief of excess outdoor air.** Systems shall be capable of relieving excess *outdoor air* during air economizer operation to prevent over-pressurizing the building. The relief air outlet shall be located to avoid recirculation into the building.

**C403.5.3.5 Economizer dampers.** Return, exhaust/relief and outdoor air dampers used in economizers shall comply with Section C403.7.9.

NEW SECTION

**WAC 51-11C-40354 Section C403.5.4—Waterside economizers.**

**C403.5.4 Waterside economizers.** Waterside economizers shall comply with Sections C403.5.4.1 and C403.5.4.2.

**C403.5.4.1 Design capacity.** Water economizer systems shall be capable of cooling supply air by indirect evaporation and providing up to 100 percent of the expected system cooling load at *outdoor air* temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) and below.

**EXCEPTION:** Systems where dehumidification requirements cannot be met using outdoor air temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) and where 100 percent of the expected system cooling load at 45°F dry-bulb (7.2°C dry-bulb)/40°F wet-bulb (4.5°C wet-bulb) is met with evaporative water economizers.

**C403.5.4.2 Maximum pressure drop.** Precooling coils and water-to-water heat exchangers used as part of a water economizer system shall either have a waterside pressure drop of less than 15 feet (4572 mm) of water or a secondary loop shall be created so that the coil or heat exchanger pressure drop is not seen by the circulating pumps when the system is in the normal cooling (noneconomizer) mode.

#### NEW SECTION

**WAC 51-11C-40355 Section C403.5.5—Economizer fault detection and diagnostics.**

**C403.5.5 Economizer fault detection and diagnostics (FDD).** Air-cooled unitary direct-expansion units with a cooling capacity of 54,000 Btu/h or greater listed in Tables C403.3.2(1) through C403.3.2(3) that are equipped with an economizer in accordance with Section C403.5 shall include a fault detection and diagnostics (FDD) system complying with the following:

1. The following temperature sensors shall be permanently installed to monitor system operation:
  - 1.1. Outside air.
  - 1.2. Supply air.
  - 1.3. Return air.
2. Temperature sensors shall have an accuracy of  $\pm 2^{\circ}\text{F}$  ( $1.1^{\circ}\text{C}$ ) over the range of 40°F to 80°F ( $4^{\circ}\text{C}$  to  $26.7^{\circ}\text{C}$ ).
3. Refrigerant pressure sensors, where used, shall have an accuracy of  $\pm 3$  percent of full scale.
4. The unit controller shall be configured to provide system status by indicating the following:
  - 4.1. Free cooling available.
  - 4.2. Economizer enabled.
  - 4.3. Compressor enabled.
  - 4.4. Heating enabled.
  - 4.5. Mixed air low limit cycle active.
  - 4.6. The current value of each sensor.
5. The unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.
6. The unit shall be configured to report faults to a fault management application available for access by day-to-day operating or service personnel or annunciated locally on zone thermostats.
7. The FDD system shall be configured to detect the following faults:
  - 7.1. Air temperature sensor failure/fault.
  - 7.2. Not economizing when the unit should be economizing.
  - 7.3. Economizing when the unit should not be economizing.
  - 7.4. Damper not modulating.
  - 7.5. Excess outdoor air.

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-40360 Section C403.6—(~~Dedicated outdoor air systems (DOAS)~~) Requirements for mechanical systems serving multiple zones.**

**C403.6 (~~Dedicated outdoor air systems (DOAS)~~) (~~This section is optional until June 30, 2017, and becomes prescriptive as of July 1, 2017.~~)** For office, retail, education, libraries and fire stations. Outdoor air shall be provided to each occupied space by a dedicated outdoor air system (DOAS) which delivers 100 percent outdoor air without requiring operation of the heating and cooling system fans for ventilation air delivery.

- EXCEPTIONS:
1. Occupied spaces that are not ventilated by a mechanical ventilation system and are only ventilated by a natural ventilation system per Section 402 of the *International Mechanical Code*.
  2. High efficiency variable air volume (VAV) systems complying with Section C403.7. This exception shall not be used as a substitution for a DOAS per Section C406.6 or as a modification to the requirements for the Standard Reference Design per Section C407.

**~~C403.6.1 Energy recovery ventilation with DOAS.~~** The DOAS shall include ~~energy recovery ventilation that complies with the minimum energy recovery efficiency and energy recovery bypass requirements, where applicable, of Section C403.5.1.~~

- EXCEPTIONS:
1. Occupied spaces under the threshold of Section C403.5 with an average occupant load greater than 25 people per 1000 square feet ( $93\text{ m}^2$ ) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) that include demand control ventilation configured to reduce outdoor air by at least 50% below design minimum ventilation rates when the actual occupancy of the space served by the system is less than the design occupancy.
  2. Systems installed for the sole purpose of providing makeup air for systems exhausting toxic, flammable, paint, or corrosive fumes or dust, dryer exhaust, or commercial kitchen hoods used for collecting and removing grease vapors and smoke.

**~~C403.6.2 Heating/cooling system fan controls.~~** Heating and cooling equipment fans, heating and cooling circulation pumps, and terminal unit fans shall cycle off and terminal unit primary cooling air shall be shut off when there is no call for heating or cooling in the zone.

- EXCEPTION:
- Fans used for heating and cooling using less than 0.12 watts per cfm may operate when space temperatures are within the setpoint deadband (Section C403.2.4.1.2) to provide destratification and air mixing in the space.

**~~C403.6.3 Impracticality.~~** Where the code official determines that full compliance with all the requirements of Sections C403.6.1 and C403.6.2 would be impractical, it is permissible to provide an approved alternate means of compliance that achieves a comparable level of energy efficiency. For the purposes of this section, impractical means that an HVAC system complying with Section C403.6 cannot effectively be utilized due to an unusual use or configuration of the building.

**~~C403.7 High efficiency variable air volume (VAV) systems.~~** For HVAC systems subject to the requirements of Section C403.6 but utilizing Exception 2 of that section, a high efficiency VAV system may be provided without a separate parallel DOAS when the system is designed, installed, and configured to comply with all of the following criteria (this

exception shall not be used as a substitution for a DOAS per Section C406.6 or as a modification to the requirements for the Standard Reference Design per Section C407):

1. The VAV systems are provided with airside economizer per Section 403.3 without exceptions.

2. A direct digital control (DDC) system is provided to control the VAV air handling units and associated terminal units per Section C403.2.4.12 regardless of sizing thresholds of Table C403.2.4.12.1.

3. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring outdoor airflow intake under all load conditions. The system shall be capable of increasing or reducing the outdoor airflow intake based on feedback from the VAV terminal units as required by Section C403.4.4.3, without exceptions, and Section C403.2.6.2 demand controlled ventilation.

4. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring supply airflow to the VAV terminal units under all load conditions.

5. In addition to meeting the zone isolation requirements of C403.2.4.4 a single VAV air handling unit shall not serve more than 50,000 square feet (2323 m<sup>2</sup>) unless a single floor is greater than 50,000 square feet (2323 m<sup>2</sup>) in which case the air handler is permitted to serve the entire floor.

6. The primary maximum cooling air for the VAV terminal units serving interior cooling load driven zones shall be sized for a supply air temperature that is a minimum of 5°F greater than the supply air temperature for the exterior zones in cooling.

7. Air terminal units with a minimum primary airflow setpoint of 50% or greater of the maximum primary airflow setpoint shall be sized with an inlet velocity of no greater than 900 feet per minute.

8. DDC systems be designed and configured per the guidelines set by high performance sequences of operation for HVAC systems (ASHRAE GPC 36, RP-1455).

9. Allowable fan motor horsepower shall not exceed 90% of the allowable HVAC fan system bhp (Option 2) as defined by Section C403.2.11.1.

10. All fan powered VAV terminal units (series or parallel) shall be provided with electronically commutated motors. The DDC system shall be configured to vary the speed of the motor as a function of the heating and cooling load in the space. Minimum speed shall not be greater than 66% of design airflow required for the greater of heating or cooling operation. Minimum speed shall be used during periods of low heating and cooling operation and ventilation only operation.

EXCEPTION: For series fan powered terminal units where the volume of primary air required to deliver the ventilation requirements at minimum speed exceeds the air that would be delivered at the speed defined above, the minimum speed setpoint shall be configured to exceed the value required to provide the required ventilation air.

11. Fan powered VAV terminal units shall only be permitted at perimeter zones with an envelope heating load requirement. All other VAV terminal units shall be single duct terminal units.

12. When in occupied heating or in occupied deadband between heating and cooling all fan powered VAV terminal units shall be configured to reset the primary air supply setpoint, based on the VAV air handling unit outdoor air vent fraction, to the minimum ventilation airflow required per *International Mechanical Code* without utilizing the exceptions 2, 3, or 4 of Section C403.4.4.

13. Spaces that are larger than 150 square feet (14 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) shall be provided with all of the following features:

13.1. A dedicated VAV terminal unit capable of controlling the space temperature and minimum ventilation shall be provided.

13.2. Demand control ventilation (DCV) shall be provided that utilizes a carbon dioxide sensor to reset the ventilation setpoint of the VAV terminal unit from the design minimum to design maximum ventilation rate as required by Chapter 4 of the *International Mechanical Code*.

13.3. Occupancy sensors shall be provided that are configured to reduce the minimum ventilation rate to zero and setback room temperature setpoints by a minimum of 5°F, for both cooling and heating, when the space is unoccupied.

14. Dedicated server rooms, electronic equipment rooms, telecom rooms, or other similar spaces with cooling loads greater than 5 watts/sf shall be provided with separate, independent HVAC systems to allow the VAV air handlers to turn off during unoccupied hours in the office space and to allow the supply air temperature reset to occur.

EXCEPTION: The VAV air handling unit and VAV terminal units may be used for secondary backup cooling when there is a failure of the primary HVAC system.

Additionally, server rooms, electronic equipment rooms, telecom rooms, or other similar spaces shall be provided with airside economizer per Section 403.3 without using the exceptions to Section C403.3.

EXCEPTION: Heat recovery per exception 9 of Section 403.3 may be in lieu of airside economizer for the separate, independent HVAC system.

15. HVAC system central heating or cooling plant will include a minimum of one of the following options:

15.1. VAV terminal units with hydronic heating coils connected to systems with hot water generation equipment limited to the following types of equipment: Gas-fired hydronic boilers with a thermal efficiency,  $E_t$ , of not less than 90%, air-to-water heat pumps or heat recovery chillers.

15.2. Chilled water VAV air handling units connected to systems with chilled water generation equipment with IPLV values more than 25% higher than the minimum part load efficiencies listed in Table C403.2.3(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify. The smallest chiller or compressor in the central plant shall not exceed 20% of the total central plant cooling capacity or the chilled water system shall include thermal storage sized for a minimum of 20% of the total central cooling plant capacity.

16. The DDC system shall include a fault detection and diagnostics (FDD) system complying with the following:

16.1. The following temperature sensors shall be permanently installed to monitor system operation:

16.1.1. Outside air.

16.1.2. Supply air.

16.1.3. Return air.

16.2. Temperature sensors shall have an accuracy of  $\pm 2^{\circ}\text{F}$  ( $1.1^{\circ}\text{C}$ ) over the range of  $40^{\circ}\text{F}$  to  $80^{\circ}\text{F}$  ( $4^{\circ}\text{C}$  to  $26.7^{\circ}\text{C}$ ).

16.3. The VAV air handling unit controller shall be configured to provide system status by indicating the following:

16.3.1. Free cooling available.

16.3.2. Economizer enabled.

16.3.3. Compressor enabled.

16.3.4. Heating enabled.

16.3.5. Mixed air low limit eye active.

16.3.6. The current value of each sensor.

16.4. The VAV air handling unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.

16.5. The VAV air handling unit shall be configured to report faults to a fault management application accessible by day to day operating or service personnel or annunciated locally on zone thermostats.

16.6. The VAV terminal unit shall be configured to report if the VAV inlet valve has failed by performing the following diagnostic check at a maximum interval of once a month:

16.6.1. Command VAV terminal unit primary air inlet valve closed and verify that primary airflow goes to zero.

16.6.2. Command VAV terminal unit primary air inlet valve to design airflow and verify that unit is controlling to within 10% of design airflow.

16.7. The VAV terminal unit shall be configured to report and trend when the zone is driving the following VAV air handling unit reset sequences. The building operator shall have the capability to exclude zones used in the reset sequences from the DDC control system graphical user interface:

16.7.1. Supply air temperature setpoint reset to lowest supply air temperature setpoint for cooling operation.

16.7.2. Supply air duct static pressure setpoint reset for the highest duct static pressure setpoint allowable.

16.8. The FDD system shall be configured to detect the following faults:

16.8.1. Air temperature sensor failure/fault.

16.8.2. Not economizing when the unit should be economizing.

16.8.3. Economizing when the unit should not be economizing.

16.8.4. Outdoor air or return air damper not modulating.

16.8.5. Excess outdoor air.

16.8.6 VAV terminal unit primary air valve failure.))

**Requirements for mechanical systems serving multiple zones.** Sections C403.6.1 through C403.6.10 shall apply to mechanical systems serving multiple zones.

**C403.6.1 Variable air volume (VAV) and multiple zone systems.** Supply air systems serving multiple zones shall be VAV systems that have zone controls configured to reduce

the volume of air that is reheated, recooled or mixed in each zone to one of the following:

1. Twenty percent of the zone design peak supply for systems with DDC and 30 percent of the maximum supply air for other systems.

2. Systems with DDV where items 2.1 through 2.3 apply.

2.1. The airflow rate in the deadband between heating and cooling does not exceed 20 percent of the zone design peak supply rate or higher allowed rates under Items 3, 4, or 5 of this section.

2.2. The first stage of heating modulates the zone supply air temperature setpoint up to a maximum setpoint while the airflow is maintained at the deadband flow rate.

2.3. The second stage of heating modulates the airflow rate from the deadband flow rate up to the heating maximum flow rate that is less than 50 percent of the zone design peak supply rate.

3. The outdoor airflow rate required to meet the minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.

4. Any higher rate that can be demonstrated to reduce overall system annual energy use by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system, as approved by the code official.

5. The airflow rates to comply with applicable codes or accreditation standards such as pressure relationships or minimum air change rates.

**EXCEPTION:** The following individual zones or entire air distribution systems are exempted from the requirement for VAV control:

1. Zones or supply air systems where not less than 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered source, including condenser heat.

2. Systems that prevent reheating, recooling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

3. Ventilation systems comply with Section C403.3.5, DOAS, with ventilation rates comply with Section C403.2.2.

**C403.6.2 Single duct variable air volume (VAV) systems, terminal devices.** Single duct VAV systems shall use terminal devices capable of and configured to reduce the supply of primary supply air before reheating or recooling takes place.

**C403.6.3 Dual duct and mixing VAV systems, terminal devices.** Systems that have one warm air duct and one cool air duct shall use terminal devices which are capable of and configured to reduce the flow from one duct to a minimum before mixing of air from the other duct takes place.

**C403.6.4 Supply-air temperature reset controls.** Multiple zone HVAC systems shall include controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperature. The controls shall be configured to reset the supply air temperature at least 25 percent of the difference between the design supply-air temperature and the design room air temperature.

- EXCEPTIONS:
1. Systems that prevent reheating, recooling or mixing of heated and cooled supply air.
  2. Seventy-five percent of the energy for reheating is from a site-recovered source.
  3. Zones with peak supply air quantities of 300 cfm (142 L/s) or less.

**C403.6.5 Multiple-zone VAV system ventilation optimization control.** Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency ( $E_v$ ) as defined by the *International Mechanical Code*.

- EXCEPTIONS:
1. VAV systems with zonal transfer fans that recirculate air from other zones without directly mixing it with outdoor air, dual-duct dual-fan VAV systems, and VAV systems with fan-powered terminal units.
  2. Systems where total design exhaust airflow is more than 70 percent of total design outdoor air intake flow requirements.

**C403.6.6 Parallel-flow fan-powered VAV air terminal control.** Parallel-flow fan-powered VAV air terminals shall have automatic controls configured to:

1. Turn off the terminal fan except when space heating is required or where required for ventilation.
2. Turn on the terminal fan as the first stage of heating before the heating coil is activated.
3. During heating for warmup or setback temperature control, either:
  - 3.1. Operate the terminal fan and heating coil without primary air.
  - 3.2. Reverse the terminal damper logic and provide heating from the central air handler by primary air.

**C403.6.7 Hydronic and multiple-zone HVAC system controls and equipment.** Hydronic and multiple-zone HVAC system controls and equipment shall comply with this section.

For buildings with a total equipment cooling capacity of 300 tons and above, the equipment shall comply with one of the following:

1. No one unit shall have a cooling capacity of more than 2/3 of the total installed cooling equipment capacity;
2. The equipment shall have a variable speed drive; or
3. The equipment shall have multiple compressors.

**C403.6.8 Set points for direct digital control.** For systems with direct digital control of individual zones reporting to the central control panel, the static pressure setpoint shall be reset based on the zone requiring the most pressure. In such cases, the set point is reset lower until one zone damper is nearly wide open. The direct digital controls shall be capable of monitoring zone damper positions or shall have an alternative method of indicating the need for static pressure that is configured to provide all of the following:

1. Automatically detecting any zone that excessively drives the reset logic.
2. Generating an alarm to the system operational location.

3. Allowing an operator to readily remove one or more zones from the reset algorithm.

**C403.6.9 Static pressure sensor location.** Static pressure sensors used to control VAV fans shall be located such that the controller setpoint is no greater than 1.2 inches w.c. (2099 Pa). Where this results in one or more sensors being located downstream of major duct splits, not less than one sensor shall be located on each major branch to ensure that static pressure can be maintained in each branch.

EXCEPTION: Systems complying with Section C403.6.8.

## NEW SECTION

**WAC 51-11C-403610 Section C403.6.10—High efficiency VAV systems.**

**C403.6.10 High efficiency variable air volume (VAV) systems.** For HVAC systems subject to the requirements of Section C403.3.5 but utilizing Exception 2 of that section, a high efficiency multiple-zone VAV system may be provided without a separate parallel DOAS when the system is designed, installed, and configured to comply with all of the following criteria (this exception shall not be used as a substitution for a DOAS per Section C406.6):

1. Each VAV system must serve a minimum of 3,000 square feet (278.7 m<sup>2</sup>) and have a minimum of five VAV zones.
2. The VAV systems are provided with airside economizer per Section C403.5 without exceptions.
3. A direct-digital control (DDC) system is provided to control the VAV air handling units and associated terminal units per Section C403.4.11 regardless of sizing thresholds of Table C403.4.11.1.
4. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring outdoor airflow intake under all load conditions. The system shall be capable of increasing or reducing the outdoor airflow intake based on feedback from the VAV terminal units as required by Section C403.6.5, without exceptions, and Section C403.7.1 demand controlled ventilation.
5. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring supply airflow to the VAV terminal units under all load conditions.
6. In addition to meeting the zone isolation requirements of C403.2.1 a single VAV air handling unit shall not serve more than 50,000 square feet (2323 m<sup>2</sup>) unless a single floor is greater than 50,000 square feet (2323 m<sup>2</sup>) in which case the air handler is permitted to serve the entire floor.
7. The primary maximum cooling air for the VAV terminal units serving interior cooling load driven zones shall be sized for a supply air temperature that is a minimum of 5°F greater than the supply air temperature for the exterior zones in cooling.
8. Air terminal units with a minimum primary airflow setpoint of 50 percent or greater of the maximum primary airflow setpoint shall be sized with an inlet velocity of no greater than 900 feet per minute.

9. Allowable fan motor horsepower shall not exceed 90 percent of the allowable HVAC *fan system bhp* (Option 2) as defined by Section C403.8.1.1.

10. All fan powered VAV terminal units (series or parallel) shall be provided with electronically commutated motors. The DDC system shall be configured to vary the speed of the motor as a function of the heating and cooling load in the space. Minimum speed shall not be greater than 66 percent of design airflow required for the greater of heating or cooling operation. Minimum speed shall be used during periods of low heating and cooling operation and ventilation-only operation.

EXCEPTION: For series fan powered terminal units where the volume of primary air required to deliver the ventilation requirements at minimum speed exceeds the air that would be delivered at the speed defined above, the minimum speed setpoint shall be configured to exceed the value required to provide the required ventilation air.

11. Fan-powered VAV terminal units shall only be permitted at perimeter zones with an envelope heating load requirement. All other VAV terminal units shall be single duct terminal units.

EXCEPTION: Fan powered VAV terminal units are allowed at interior spaces with an occupant load greater than or equal to 25 people per 1000 square feet of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) with demand control ventilation in accordance with Section C403.7.1.

12. When in occupied heating or in occupied deadband between heating and cooling all fan powered VAV terminal units shall be configured to reset the primary air supply setpoint, based on the VAV air handling unit outdoor air vent fraction, to the minimum ventilation airflow required per *International Mechanical Code*.

13. Spaces that are larger than 150 square feet (14 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) shall be provided with all of the following features:

13.1. A dedicated VAV terminal unit capable of controlling the space temperature and minimum ventilation shall be provided.

13.2. Demand control ventilation (DCV) shall be provided that utilizes a carbon dioxide sensor to reset the ventilation setpoint of the VAV terminal unit from the design minimum to design maximum ventilation rate as required by Chapter 4 of the *International Mechanical Code*.

13.3. Occupancy sensors shall be provided that are configured to reduce the minimum ventilation rate to zero and setback room temperature setpoints by a minimum of 5°F, for both cooling and heating, when the space is unoccupied.

14. Dedicated data centers, computer rooms, electronic equipment rooms, telecom rooms, or other similar spaces with cooling loads greater than 5 watts/sf shall be provided with separate cooling systems to allow the VAV air handlers to turn off during unoccupied hours in the office space and to allow the supply air temperature reset to occur.

EXCEPTION: The VAV air handling unit and VAV terminal units may be used for secondary backup cooling when there is a failure of the primary HVAC system.

Additionally, computer rooms, electronic equipment rooms, telecom rooms, or other similar spaces shall be provided with airside economizer in accordance with Section 403.5 without using the exceptions to Section C403.5.

EXCEPTION: Heat recovery per Exception 9 of Section C403.5 may be in lieu of airside economizer for the separate, independent HVAC system.

15. HVAC system central heating or cooling plant will include a minimum of one of the following options:

15.1. VAV terminal units with hydronic heating coils connected to systems with hot water generation equipment limited to the following types of equipment: Gas-fired hydronic boilers with a thermal efficiency,  $E_t$ , of not less than 90 percent, air-to-water heat pumps or heat recovery chillers.

15.2. Chilled water VAV air handling units connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than the minimum part load efficiencies listed in Table C403.3.2(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify. The smallest chiller or compressor in the central plant shall not exceed 20 percent of the total central plant cooling capacity or the chilled water system shall include thermal storage sized for a minimum of 20 percent of the total central cooling plant capacity.

16. The DDC system shall include a fault detection and diagnostics (FDD) system complying with the following:

16.1. The following temperature sensors shall be permanently installed to monitor system operation:

16.1.1. Outside air.

16.1.2. Supply air.

16.1.3. Return air.

16.2. Temperature sensors shall have an accuracy of  $\pm 2^\circ\text{F}$  ( $1.1^\circ\text{C}$ ) over the range of 40°F to 80°F ( $4^\circ\text{C}$  to  $26.7^\circ\text{C}$ ).

16.3. The VAV air handling unit controller shall be configured to provide system status by indicating the following:

16.3.1. Free cooling available.

16.3.2. Economizer enabled.

16.3.3. Compressor enabled.

16.3.4. Heating enabled.

16.3.5. Mixed air low limit cycle active.

16.3.6. The current value of each sensor.

16.4. The VAV air handling unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.

16.5. The VAV air handling unit shall be configured to report faults to a fault management application accessible by day-to-day operating or service personnel or annunciated locally on zone thermostats.

16.6. The VAV terminal unit shall be configured to report if the VAV inlet valve has failed by performing the following diagnostic check at a maximum interval of once a month:

16.6.1. Command VAV terminal unit primary air inlet valve closed and verify that primary airflow goes to zero.

16.6.2. Command VAV terminal unit primary air inlet valve to design airflow and verify that unit is controlling to within 10 percent of design airflow.

16.7. The VAV terminal unit shall be configured to report and trend when the zone is driving the following VAV air handling unit reset sequences. The building operator shall have the capability to exclude zones used in the reset sequences from the DDC control system graphical user interface:

16.7.1. Supply air temperature setpoint reset to lowest supply air temperature setpoint for cooling operation.

16.7.2. Supply air duct static pressure setpoint reset for the highest duct static pressure setpoint allowable.

16.8. The FDD system shall be configured to detect the following faults:

16.8.1. Air temperature sensor failure/fault.

16.8.2. Not economizing when the unit should be economizing.

16.8.3. Economizing when the unit should not be economizing.

16.8.4. Outdoor air or return air damper not modulating.

16.8.5. Excess outdoor air.

16.8.6. VAV terminal unit primary air valve failure.

#### NEW SECTION

#### **WAC 51-11C-4037 Section C403.7—Ventilation and exhaust systems.**

**C403.7 Ventilation and exhaust systems.** In addition to other requirements of Section C403 applicable to the provisions of ventilation air or the exhaust of air, ventilation and exhaust systems shall be in accordance with Sections C403.7.1 through C403.7.8.

#### NEW SECTION

#### **WAC 51-11C-40371 Section C403.7.1—Demand control ventilation.**

**C403.7.1 Demand control ventilation.** Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (50 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) and served by systems with one or more of the following:

1. An air-side economizer;
2. Automatic modulating control of the outdoor air damper; or
3. A design outdoor airflow greater than 3,000 cfm (1416 L/s).

EXCEPTION: Demand control ventilation is not required for systems and spaces as follows:

1. Systems with energy recovery complying with Section C403.7.6.1 or C403.3.5.1. This exception is not available for space types located within the "inclusions" column of Groups A-1 and A-3 occupancy classifications of Table C403.3.5.
2. Multiple-zone systems without direct digital control of individual zones communicating with a central control panel.
3. System with a design outdoor airflow less than 750 cfm (354 L/s).

4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1,200 cfm (566 L/s).

5. Ventilation provided for process loads only.

6. Spaces with one of the following occupancy categories (as defined by the *International Mechanical Code*): Correctional cells, daycare sickrooms, science labs, barbers, beauty and nail salons, and bowling alley seating.

#### NEW SECTION

#### **WAC 51-11C-40372 Section C403.7.2—Occupancy sensors.**

**C403.7.2 Occupancy sensors.** Classrooms, gyms, auditoriums, conference rooms, and other spaces with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) that are larger than 500 square feet of floor area shall have occupancy sensor control that will either close outside air dampers, close ventilation supply dampers or turn off ventilation equipment when the space is unoccupied except where equipped with another means to automatically reduce outside air intake below design rates when spaces are partially occupied.

- EXCEPTIONS:
1. Spaces with one of the following occupancy categories (as defined by the *International Mechanical Code*):
    - 1.1. Correctional cells.
    - 1.2. Daycare sickrooms.
    - 1.3. Science labs.
    - 1.4. Barbers.
    - 1.5. Beauty and nail salons.
    - 1.6. Bowling alley seating.
  2. When the space is unoccupied during occupied building hours, a ventilation rate equal to or less than the zone outdoor airflow as defined in Section 403.3.1.1.1 of the *International Mechanical Code* with a zone population of zero.

#### NEW SECTION

#### **WAC 51-11C-40373 Section C403.7.3—Ventilation air heating control.**

**C403.7.3 Ventilation air heating control.** Units that provide ventilation air to multiple zones and operate in conjunction with zone heating and cooling systems shall not use heating or heat recovery to warm supply air to a temperature greater than 60°F (16°C) when representative building loads or outdoor air temperature indicate that the majority of zones require cooling.

#### NEW SECTION

#### **WAC 51-11C-40374 Section C403.7.4—HVAC serving guestrooms.**

**C403.7.4 Automatic control of HVAC systems serving guestrooms.** In Group R-1 buildings containing more than 50 guestrooms, each guestroom shall be provided with controls complying with the provisions of Sections C403.7.4.1 and

C403.7.4.2. Card key controls comply with these requirements.

**C403.7.4.1 Temperature setpoint controls.** Controls shall be provided on each HVAC system that are capable of and configured to automatically raise the cooling setpoint and lower the heating setpoint by not less than 4°F (2°C) from the occupant setpoint within 30 minutes after the occupants have left the guestroom. The controls shall be capable of and configured to automatically raise the cooling setpoint to not lower than 80°F (27°C) and lower the heating setpoint to not higher than 60°F (16°C) when the guestroom is unrented or has been continuously unoccupied for over 16 hours or a networked guestroom control system indicates that the guestroom is unrented and the guestroom is unoccupied for more than 30 minutes. A networked guestroom control system that is capable of returning the thermostat setpoints to default occupied setpoints 60 minutes prior to the time a guestroom is scheduled to be occupied is not precluded by this section. Cooling that is capable of limiting relative humidity with a setpoint not lower than 65 percent relative humidity during unoccupied periods is not precluded by this section.

**C403.7.4.2 Ventilation controls.** Controls shall be provided on each HVAC system that are capable of and configured to automatically turn off the ventilation and exhaust fans within 30 minutes of the occupants leaving the guestroom or isolation devices shall be provided to each guestroom that are capable of automatically shutting off the supply of outdoor air to and exhaust air from the guestroom.

EXCEPTION: Guestroom ventilation systems are not precluded from having an automatic daily preoccupancy purge cycle that provides daily outdoor air ventilation during unrented periods at the design ventilation rate for 60 minutes, or at a rate and duration equivalent to one air change.

#### NEW SECTION

#### **WAC 51-11C-40375 Section C403.7.5—Loading dock and parking garage ventilation system controls.**

**C403.7.5 Enclosed loading dock and parking garage exhaust ventilation system controls.** Mechanical ventilation systems for enclosed loading docks and parking garages shall be designed to exhaust the airflow rates (maximum and minimum) determined in accordance with the *International Mechanical Code*.

Ventilation systems shall be equipped with a control device that operates the system automatically by means of carbon monoxide detectors applied in conjunction with nitrogen dioxide detectors. Controllers shall be configured to shut off fans or modulate fan speed to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with the *International Mechanical Code* provisions.

Gas sensor controllers used to activate the exhaust ventilation system shall stage or modulate fan speed upon detection of specified gas levels. All equipment used in sensor controlled systems shall be designed for the specific use and installed in accordance with the manufacturer's recommendations. The system shall be arranged to operate automatically

by means of carbon monoxide detectors applied in conjunction with nitrogen dioxide detectors. Garages and loading docks shall be equipped with a controller and a full array of carbon monoxide (CO) sensors set to maintain levels of carbon monoxide below 35 parts per million (ppm). Additionally, a full array of nitrogen dioxide detectors shall be connected to the controller set to maintain the nitrogen dioxide level below the OSHA standard for eight hour exposure.

Spacing and location of the sensors shall be installed in accordance with manufacturer recommendations.

**C403.7.5.1 System activation devices for enclosed loading docks.** Ventilation systems for enclosed loading docks shall be activated by one of the following:

1. Gas sensors installed in accordance with the *International Mechanical Code*; or
2. Occupant detection sensors used to activate the system that detects entry into the loading area along both the vehicle and pedestrian pathways.

**C403.7.5.2 System activation devices for enclosed parking garages.** Ventilation systems for enclosed parking garages shall be activated by gas sensors.

EXCEPTION: A parking garage ventilation system having a total design capacity under 8,000 cfm may use occupant sensors.

#### NEW SECTION

#### **WAC 51-11C-40376 Section C403.7.6—Energy recovery ventilation systems.**

**C403.7.6 Energy recovery ventilation systems.** Any system with minimum outside air requirements at design conditions greater than 5,000 cfm or any system where the system's supply airflow rate exceeds the value listed in Tables C403.7.6(1) and C403.7.6(2), based on the climate zone and percentage of outdoor airflow rate at design conditions, shall include an energy recovery system. Table C403.7.6(1) shall be used for all ventilation systems that operate less than 8,000 hours per year, and Table C403.7.6(2) shall be used for all ventilation systems that operate 8,000 hours or more per year. The energy recovery system shall have the capability to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery system shall include a bypass or controls which permit operation of the economizer as required by Section C403.5. Where a single room or space is supplied by multiple units, the aggregate ventilation (cfm) of those units shall be used in applying this requirement. The return/exhaust air stream temperature for heat recovery device selection shall be 70°F (21°C) at 30 percent relative humidity, or as calculated by the registered design professional.

EXCEPTION: An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are restricted per Section 514 of the *International Mechanical Code* to sensible energy, recovery shall comply with one of the following:



- 1.1. Kitchen exhaust systems where they comply with Section C403.7.7.1.
- 1.2. Laboratory fume hood systems where they comply with Exception 2 of Section C403.7.6.
- 1.3. Other sensible energy recovery systems with the capability to provide a change in dry-bulb temperature of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and the return air dry-bulb temperatures, at design conditions.
- 2. Laboratory fume hood systems that include at least one of the following features and also comply with Section C403.7.7.2:
  - 2.1. Variable-air-volume hood exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design values.
  - 2.2. Direct makeup (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) above room setpoint, cooled to no cooler than 3°F (1.7°C) below room setpoint, no humidification added, and no simultaneous heating and cooling used for dehumidification control.

- 3. Systems serving spaces that are heated to less than 60°F (15.5°C) and are not cooled.
- 4. Where more than 60 percent of the outdoor air heating energy is provided from site-recovered energy.
- 5. Systems exhausting toxic, flammable, paint or corrosive fumes or dust.
- 6. Cooling energy recovery.
- 7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
- 8. Multiple-zone systems where the supply airflow rate is less than the values specified in Tables C403.7.6 (1) and (2), for the corresponding percent of outdoor air. Where a value of NR is listed, energy recovery shall not be required.
- 9. Equipment which meets the requirements of Section C403.9.8.
- 9.1. Systems serving Group R dwelling or sleeping units where the largest source of air exhausted at a single location at the building exterior is less than 25 percent of the design outdoor air flow rate.

**Table C403.7.6(1)  
Energy Recovery Requirement  
(Ventilation systems operating less than 8,000 hours per year)**

Percent (%) Outdoor Air at Full Design Airflow Rate								
Climate zone	≥ 10% and < 20%	≥ 20% and < 30%	≥ 30% and < 40%	≥ 40% and < 50%	≥ 50% and < 60%	≥ 60% and < 70%	≥ 70% and < 80%	≥ 80%
Design Supply Fan Airflow Rate (cfm)								
4C, 5B	NR	NR	NR	NR	NR	NR	≥ 5000	≥ 5000

NR = Not required.

**Table C403.7.6(2)  
Energy Recovery Requirement  
(Ventilation systems operating not less than 8,000 hours per year)**

Percent (%) Outdoor Air at Full Design Airflow Rate								
Climate zone	≥ 10% and < 20%	≥ 20% and < 30%	≥ 30% and < 40%	≥ 40% and < 50%	≥ 50% and < 60%	≥ 60% and < 70%	≥ 70% and < 80%	≥ 80%
Design Supply Fan Airflow Rate (cfm)								
4C	NR	≥ 19500	≥ 9000	≥ 5000	≥ 4000	≥ 3000	≥ 1500	≥ 120
5B	≥ 2500	≥ 2000	≥ 1000	≥ 500	≥ 0	≥ 0	≥ 0	≥ 80

NR = Not required.

**NEW SECTION**

**WAC 51-11C-40377 Section C403.7.7—Exhaust systems.**

**C403.7.7 Exhaust systems.**

**C403.7.7.1 Kitchen exhaust systems.**

**C403.7.7.1.1 Replacement air.** Replacement air introduced directly into the exhaust hood cavity shall not be greater than 10 percent of the hood exhaust airflow rate.

**C403.7.7.1.2 Kitchen exhaust hood certification and maximum airflow.** Where a kitchen or kitchen/dining facility has

a total kitchen hood exhaust airflow rate that is greater than 2,000 cfm, each hood shall be a factory built commercial exhaust hood listed by a nationally recognized testing laboratory in compliance with UL 710 and each hood shall have a maximum exhaust rate as specified in Table C403.7.7.1.2. Where a single hood, or hood section, is installed over appliances with different duty ratings, the maximum allowable flow rate for the hood or hood section shall be based on the requirements for the highest appliance duty rating under the hood or hood section.

**EXCEPTION:** Type II dishwasher exhaust hoods that have an exhaust airflow of 1000 cfm or less.

**Table C403.7.7.1.2  
Maximum Net Exhaust Flow Rate,  
CFM Per Linear Foot of Hood Length**

Type of Hood	Light-duty Equipment	Medium-duty Equipment	Heavy-duty Equipment	Extra-heavy-duty Equipment
Wall-mounted canopy	140	210	280	385
Single island	280	350	420	490
Double island (per side)	175	210	280	385
Eyebrow	175	175	NA	NA
Backshelf/pass-over	210	210	280	NA

For SI: 1 cfm = 0.4719 L/s; 1 foot = 305 mm  
NA = Not allowed

**C403.7.7.1.3 Kitchen exhaust hood system.** Where a kitchen or kitchen/dining facility has a total kitchen hood exhaust airflow rate greater than 2000 cfm, it shall comply with one of the following:

1. Not less than 50 percent of all replacement air shall be transfer air that would otherwise be exhausted.
2. Demand ventilation systems on not less than 75 percent of the total exhaust hood airflow that are configured to provide not less than a 50 percent reduction in exhaust and replacement air system airflow rates, including controls necessary to modulate airflow in response to appliance operation and to maintain full capture and containment of smoke, effluent and combustion products during cooking and idle.
3. Listed energy recovery devices with a sensible heat recovery effectiveness of not less than 40 percent on not less than 50 percent of the total exhaust hood airflow.

**EXCEPTIONS:**

1. Where not less than 75 percent of all the replacement air is transfer air that would otherwise be exhausted.
2. UL 710 listed exhaust hoods that have a design maximum exhaust airflow rate no greater than 250 cfm per linear foot of hood that serve kitchen or kitchen/dining facilities with a total kitchen hood exhaust airflow rate less than 5000 cfm.
3. Type II dishwasher exhaust hoods that have an exhaust airflow of 1000 cfm or less.

**C403.7.7.2 Laboratory exhaust systems.** Buildings with laboratory exhaust systems having a total exhaust rate greater than 5,000 cfm (2360 L/s) shall include heat recovery systems to precondition makeup air from laboratory exhaust. The heat recovery system shall be capable of increasing the outside air supply temperature at design heating conditions by 25°F (13.9°C). A provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section C403.5.

**EXCEPTIONS:**

1. Variable air volume laboratory exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design values; or
2. Direct makeup (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) below room setpoint, cooled to no cooler than 3°F (1.7°C) above room setpoint, no humidification added, and no simultaneous heating and cooling used for dehumidification control; or

3. Combined energy reduction method: VAV exhaust and room supply system configured to reduce exhaust and makeup air volumes and a heat recovery system to precondition makeup air from laboratory exhaust that when combined will produce the same energy reduction as achieved by a heat recovery system with a 50 percent sensible recovery effectiveness as required above. For calculation purposes, the heat recovery component can be assumed to include the maximum design supply airflow rate at design conditions. The combined energy reduction ( $Q_{ER}$ ) shall meet the following:

$$Q_{ER} \geq Q_{MIN}$$

$$Q_{MIN} = CFM_S \cdot (T_R - T_O) \cdot 1.1 \cdot 0.6$$

$$Q_{ER} = CFM_S \cdot (T_R - T_O) \cdot 1.1(A + B)/100$$

Where:

- $Q_{MIN}$  = Energy recovery at 60 percent sensible effectiveness (Btu/h)
- $Q_{ER}$  = Combined energy reduction (Btu/h)
- $CFM_S$  = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute
- $T_R$  = Space return air dry-bulb at winter design conditions
- $T_O$  = Outdoor air dry-bulb at winter design conditions
- A = Percentage that the exhaust and makeup air volumes can be reduced from design conditions
- B = Percentage sensible heat recovery effectiveness

**C403.7.7.3 Transfer air.** Conditioned supply air delivered to any space with mechanical exhaust shall not exceed the greater of:

1. The supply flow required to meet the space heating or cooling load;
2. The ventilation rate required by the authority having jurisdiction, the facility environmental health and safety department, or Section C403.2.2; or

3. The mechanical exhaust flow minus the available transfer air from conditioned spaces or return air plenums that at their closest point are within 15 feet of each other on the same floor that are not in different smoke or fire compartments. Available transfer air is that portion of outdoor ventilation air that:

3.1. Is not required to satisfy other exhaust needs;

3.2. Is not required to maintain pressurization of other spaces; and

3.3. Is transferable according to applicable codes and standards and per the *International Mechanical Code*.

EXCEPTIONS:

1. Laboratories classified as biosafety level 3 or higher.
2. Vivarium spaces.
3. Spaces that are required by applicable codes and standards to be maintained at positive pressure relative to adjacent spaces. For spaces taking this exception, any transferable air that is not directly transferred shall be made available to the associated air-handling unit and shall be used whenever economizer or other options do not save more energy.
4. Spaces where the demand for transfer air may exceed the available transfer airflow rate and where the spaces have a required negative pressure relationship. For spaces taking this exception, any transferable air that is not directly transferred shall be made available to the associated air-handling unit and shall be used whenever economizer or other options do not save more energy.

## NEW SECTION

### **WAC 51-11C-40378 Section C403.7.8—Shutoff dampers.**

**C403.7.8 Shutoff dampers.** Mechanical openings shall be provided with shutoff dampers in accordance with Sections C403.7.8.1 through C403.7.8.4.

**C403.7.8.1 Shutoff dampers for building isolation.** Outdoor air supply, exhaust openings and relief outlets and stairway and elevator hoistway shaft vents shall be provided with Class I motorized dampers. See Sections C403.10.1 and C403.10.2 for ductwork insulation requirements upstream and downstream of the shutoff damper.

EXCEPTIONS:

1. Gravity (nonmotorized) dampers shall be permitted in lieu of motorized dampers as follows:
  - 1.1. Relief dampers serving systems less than 5,000 cfm total supply shall be permitted in buildings less than three stories in height.
  - 1.2. Gravity (nonmotorized) dampers where the design outdoor air intake or exhaust capacity does not exceed 400 cfm.
  - 1.3. Systems serving areas which require continuous operation for 24/7 occupancy schedules.
2. Shutoff dampers are not required in:
  - 2.1. Combustion air intakes.
  - 2.2. Systems serving areas which require continuous operation in animal hospitals, kennels and pounds, laboratories, and Group H, I and R occupancies.
  - 2.3. Subduct exhaust systems or other systems that are required to operate continuously by the *International Mechanical Code*.

2.4. Type I grease exhaust systems or other systems where dampers are prohibited by the *International Mechanical Code* to be in the airstream.

2.5. Unconditioned stairwells or unconditioned elevator hoistway shafts that are only connected to unconditioned spaces.

**C403.7.8.2 Shutoff dampers for return air.** Return air openings used for airside economizer operation shall be equipped with Class I motorized dampers.

**C403.7.8.3 Damper leakage rating.** Class I dampers shall have a maximum leakage rate of 4 cfm/ft<sup>2</sup> (20.3 L/s x m<sup>2</sup>) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D and shall be labeled by an approved agency for such purpose. Gravity (nonmotorized) dampers shall have an air leakage rate not greater than 20 cfm/ft<sup>2</sup> where not less than 24 inches (610 mm) in either dimension and 40 cfm/ft<sup>2</sup> where less than 24 inches in either dimension. The rate of air leakage shall be determined at 1.0 inch w.g. (249 Pa) when tested in accordance with AMCA 500D for such purpose. The dampers shall be labeled by an approved agency. Gravity dampers for ventilation air intakes shall be protected from direct exposure to wind.

EXCEPTIONS:

1. Gravity (nonmotorized) dampers are not required to be tested to verify the air leakage rating when installed in exhaust systems where the exhaust capacity does not exceed 400 cfm and the gravity damper is provided with a gasketed seal.
2. Motorized dampers on return air openings in unitary packaged equipment that have the minimum leakage rate available from the manufacturer.

**C403.7.8.4 Damper actuation.** Outdoor air intake, relief and exhaust shutoff dampers shall be installed with automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the *International Mechanical Code* or the dampers are opened to provide intentional economizer cooling. Stairway and elevator hoistway shaft vent dampers shall be installed with automatic controls configured to open upon the activation of any fire alarm initiating device of the building's fire alarm system or the interruption of power to the damper.

## NEW SECTION

### **WAC 51-11C-4038 Section C403.8—Fan and fan controls.**

**C403.8 Fan and fan controls.** Fans in HVAC systems shall comply with Sections C403.8.1 through C403.8.5.1.

The airflow requirements of Section C403.8.5.1 shall apply to all fan motors. Group R occupancy exhaust fans shall also comply with Section C403.8.4.

**C403.8.1 Allowable fan motor horsepower.** Each HVAC system having a total fan system motor nameplate horsepower exceeding 5 hp (3.7 kW) at fan system design conditions shall not exceed the allowable *fan system motor nameplate hp* (Option 1) or *fan system bhp* (Option 2) as shown in Table C403.8.1(1). This includes supply fans, exhaust fans,

return/relief fans, and fan-powered VAV air terminal units associated with systems providing heating or cooling capability. Single *zone* variable-air-volume systems shall comply with the constant volume fan power limitation. Zone heating and/or cooling terminal units installed in conjunction with a dedicated outdoor air system (DOAS) shall be evaluated as separate HVAC systems for allowable fan motor horsepower.

- EXCEPTIONS:
1. Hospital, vivarium and laboratory systems that utilize flow control devices on exhaust or return to maintain space pressure relationships necessary for occupant health and safety or environmental control shall be permitted to use variable volume fan power limitation.
  2. Individual exhaust fans with motor nameplate horsepower of 1 hp or less are exempt from allowable fan motor horsepower requirements.

**Table C403.8.1(1)  
Fan Power Limitation**

	Limit	Constant Volume	Variable Volume
Option 1: Fan system motor nameplate hp	Allowable nameplate motor hp	$hp \leq CFM_S \times 0.0011$	$hp \leq CFM_S \times 0.0015$
Option 2: Fan system bhp	Allowable fan system bhp	$bhp \leq CFM_S \times 0.00094 + A$	$bhp \leq CFM_S \times 0.0013 + A$

For SI: 1 cfm = 0.471 L/s. 1 bhp = 735.5 W, 1 hp = 745.5 W.

Where:

- CFM<sub>S</sub> = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute.
- hp = The maximum combined motor nameplate horsepower.
- bhp = The maximum combined fan brake horsepower.
- A = Sum of [PD × CFM<sub>D</sub>/4131]

Where:

- PD = Each applicable pressure drop adjustment from Table C403.8.1(2) in. w.c.
- CFM<sub>D</sub> = The design airflow through each applicable device from Table C403.8.1(2) in cubic feet per minute.

**Table C403.8.1(2)  
Fan Power Limitation Pressure Drop Adjustment**

Device	Adjustment
<b>Credits</b>	
Return air or exhaust system required by code or accreditation standards to be fully ducted, or systems required to maintain air pressure differentials between adjacent rooms	0.5 inch w.c. (2.15 inches w.c. for laboratory and vivarium systems)
Return and/or exhaust air flow control devices	0.5 inch w.c.
Exhaust filters, scrubbers, or other exhaust treatment	The pressure drop of device calculated at fan system design condition

Device	Adjustment
Particulate filtration credit: MERV 9 - 12	0.5 inch w.c.
Particulate filtration credit: MERV 13 - 15	0.9 inch w.c.
Particulate filtration credit: MERV 16 and greater and electronically enhanced filters	Pressure drop calculated at 2x clean filter pressure drop at fan system design condition
Carbon and other gas-phase air cleaners	Clean filter pressure drop at fan system design condition
Biosafety cabinet	Pressure drop of device at fan system design condition
Energy recovery device, other than coil runaround loop	For each airstream (2.2 × energy recovery effectiveness - 0.5) inch w.c.
Coil runaround loop	0.6 inch w.c. for each airstream
Evaporative humidifier/cooler in series with another cooling coil	Pressure drop of device at fan system design conditions
Sound attenuation section (fans serving spaces with design background noise goals below NC35)	0.15 inch w.c.
Exhaust system serving fume hoods	0.35 inch w.c.
Laboratory and vivarium exhaust systems in high-rise buildings	0.25 inch w.c./100 feet of vertical duct exceeding 75 feet
<b>Deductions</b>	
Systems without central cooling device	-0.6 inch w.c
Systems without central heating device	-0.3 inch w.c.
Systems with central electric resistance heat	-0.2 inch w.c.

For SI: 1 inch w.c. = 249 Pa, 1 inch = 25.4 mm.  
w.c. = water column.

**C403.8.2 Motor nameplate horsepower.** For each fan, the selected fan motor shall be no larger than the first available motor size greater than the brake horsepower (bhp). The fan brake horsepower (bhp) shall be indicated on the design documents to allow for compliance verification by the *code official*.

- EXCEPTIONS:
1. For fans less than 6 bhp (4413 W), where the first available motor larger than the brake horsepower has a nameplate rating within 50 percent of the bhp, selection of the next larger nameplate motor size is allowed.

2. For fans 6 bhp (4413 W) and larger, where the first available motor larger than the bhp has a nameplate rating within 30 percent of the bhp, selection of the next larger nameplate motor size is allowed.
3. For fans used only in *approved* life safety applications such as smoke evacuation.
4. Fans with motor nameplate horsepower less than 1 hp are exempt from this section.

**C403.8.3 Fan efficiency.** Fans shall have a fan efficiency grade (FEG) of 67 or higher based on manufacturers' certified data, as defined by AMCA 205. The total efficiency of the fan at the design point of operation shall be within 15 percentage points of the maximum total efficiency of the fan.

- EXCEPTION: The following fans are not required to have a fan efficiency grade:
1. Fans of 5 hp (3.7 kW) or less as follows:
    - 1.1. Individual fans with a motor nameplate horsepower of 5 hp (3.7 kW) or less, unless Exception 1.2. applies.
    - 1.2. Multiple fans in series or parallel that have a combined motor nameplate horsepower of 5 hp (3.7 kW) or less and are operated as the functional equivalent of a single fan.
  2. Fans that are part of equipment covered under Section C403.3.2.
  3. Fans included in an equipment package certified by an *approved agency* for air or energy performance.
  4. Powered wall/roof ventilators.
  5. Fans outside the scope of AMCA 205.
  6. Fans that are intended to operate only during emergency conditions.

**C403.8.4 Group R occupancy exhaust fan efficacy.** The Group R occupancies of the building shall be provided with ventilation that meets the requirements of the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Mechanical ventilation system fans with 400 cfm or less in capacity shall meet the efficacy requirements of Table C403.8.4.

- EXCEPTIONS:
1. Group R heat recovery ventilator and energy recovery ventilator fans that are less than 400 cfm.
  2. Where whole house ventilation fans are integrated with forced-air systems that are tested and listed HVAC equipment, provided they are powered by an electronically commutated motor where required by Section C405.8.
  3. Domestic clothes dryer booster fans, domestic range hood exhaust fans, and domestic range booster fans that operate intermittently.

**Table C403.8.4  
Group R Exhaust Fan Efficacy**

Fan Location	Air Flow Rate Minimum (cfm)	Minimum Efficacy (cfm/watt)	Air Flow Rate Maximum (cfm)
Exhaust fan: Bathroom, utility room, whole house	10	2.8	< 90
Exhaust fan: Bathroom, utility room, whole house	90	3.5	Any
In-line (single-port and multi-port) fans	Any	3.8	Any

**C403.8.5 Fan controls.** Controls shall be provided for fans in accordance with Section C403.8.5.1 and as required for specific systems provided in Section C403.

**C403.8.5.1 Fan airflow control.** Each cooling system listed in Table C403.8.5.1 shall be designed to vary the indoor fan airflow as a function of load and shall comply with the following requirements:

1. Direct expansion (DX) and chilled water cooling units that control the capacity of the mechanical cooling directly based on space temperature shall have not fewer than two stages of fan control. Low or minimum speed shall not be greater than 66 percent of full speed. At low or minimum speed, the fan system shall draw not more than 40 percent of the fan power at full fan speed. Low or minimum speed shall be used during periods of low cooling load and ventilation-only operation.
2. Other units including DX cooling units and chilled water units that control the space temperature by modulating the airflow to the space shall have modulating fan control. Minimum speed shall be not greater than 50 percent of full speed. At minimum speed, the fan system shall draw no more than 30 percent of the power at full fan speed. Low or minimum speed shall be used during periods of low cooling load and ventilation-only operation.
3. Units that include an airside economizer in accordance with Section C403.5 shall have not fewer than two speeds of fan control during economizer operation.

- EXCEPTIONS:
1. Modulating fan control is not required for chilled water and evaporative cooling units with fan motors of less than 1 hp (0.746 kW) where the units are not used to provide ventilation air and the indoor fan cycles with the load.
  2. Where the volume of outdoor air required to comply with the ventilation requirements of the *International Mechanical Code* at low speed exceeds the air that would be delivered at the minimum speed defined in Section C403.8.5, the minimum speed shall be selected to provide the required ventilation air.

**Table C403.8.5.1  
Fan Control**

Cooling System Type	Fan Motor Size	Mechanical Cooling Capacity
DX cooling	Any	≥ 42,000 Btu/h
Chilled water and evaporative cooling	≥ 1/4 hp	Any

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 51-11C-4039 Section C403.9—Heat rejection and heat recovery equipment.**

**C403.9 Heat rejection and heat recovery equipment.** Heat rejection equipment, including air-cooled condensers, dry coolers, open-circuit cooling towers, closed-circuit cooling

towers and evaporative condensers, shall comply with this section.

EXCEPTION: Heat rejection devices where energy usage is included in the equipment efficiency ratings listed in Tables C403.3.2(1)A, C403.3.2(1)B, C403.3.2(1)C, C403.3.2(2), C403.3.2(3), C403.3.2(7) and C403.3.2(9).

Heat rejection equipment shall have a minimum efficiency performance not less than values specified in Table C403.3.2(8). These requirements apply to all propeller, axial fan and centrifugal fan cooling towers. Table C403.3.2(8) specifies requirements for air-cooled condensers that are within rating conditions specified within the table.

**C403.9.1 Fan speed control.** Each fan powered by an individual motor or array of motors with a connected power, including the motor service factor, totaling 5 hp (3.7 kW) or more shall have controls and devices configured to automatically modulate the fan speed to control the leaving fluid temperature or condensing temperature and pressure of the heat rejection device. Fan motor power input shall be not more than 30 percent of design wattage at 50 percent of the design airflow.

EXCEPTIONS: 1. Fans serving multiple refrigerant or fluid cooling circuits.  
2. Condenser fans serving flooded condensers.

**C403.9.1.1 Variable flow controls.** Cooling tower fans 7.5 hp and greater shall have control devices that vary flow by controlling the leaving fluid temperature or condenser temperature/pressure of the heat rejection device.

**C403.9.1.2 Limitation on centrifugal fan cooling towers.** Open cooling towers with a combined rated capacity of 1,100 gpm and greater at 95°F condenser water return, 85°F condenser water supply and 75°F outdoor wet-bulb temperature shall meet the energy efficiency requirement for axial fan open-circuit cooling towers.

**C403.9.2 Multiple-cell heat rejection equipment.** Multiple-cell heat rejection equipment with variable speed fan drives shall be controlled to operate the maximum number of fans allowed that comply with the manufacturer's requirements for all system components and so that all fans can operate at the same fan speed required for the instantaneous cooling duty, as opposed to staged (on/off) operation. The minimum fan speed shall be the minimum allowable speed of the fan drive system in accordance with the manufacturer's recommendations.

**C403.9.3 Limitation on centrifugal fan open-circuit cooling towers.** Centrifugal fan open-circuit cooling towers with a combined rated capacity of 1,100 gpm (4164 L/m) or greater at 95°F (35°C) condenser water return, 85°F (29°C) condenser water supply, and 75°F (24°C) outdoor air wet-bulb temperature shall meet the energy efficiency requirement for axial fan open-circuit cooling towers listed in Table C403.3.2(8).

EXCEPTION: Centrifugal open-circuit cooling towers that are designed with inlet or discharge ducts or require external sound attenuation.

**C403.9.4 Tower flow turndown.** Open-circuit cooling towers used on water-cooled chiller systems that are configured with multiple- or variable-speed condenser water pumps shall be designed so that all open circuit cooling tower cells can be run in parallel with the larger of the flow that is produced by the smallest pump at its minimum expected flow rate or at 50 percent of the design flow for the cell.

**C403.9.5 Heat recovery for service water heating.** Condenser heat recovery shall be installed for heating or reheating of service hot water provided the facility operates 24 hours a day, the total installed heat capacity of water cooled systems exceeds 1,500,000 Btu/hr of heat rejection, and the design service water heating load exceeds 250,000 Btu/hr.

The required heat recovery system shall have the capacity to provide the smaller of:

1. Sixty percent of the peak heat rejection load at design conditions; or
2. The preheating required to raise the peak service hot water draw to 85°F (29°C).

EXCEPTIONS: 1. Facilities that employ condenser heat recovery for space heating or reheat purposes with a heat recovery design exceeding 30 percent of the peak water-cooled condenser load at design conditions.  
2. Facilities that provide 60 percent of their service water heating from site solar or site recovered energy or from other sources.

**C403.9.6 Steam condensate systems.** On-site steam heating systems shall have condensate water heat recovery. On-site includes a system that is located within or adjacent to one or more buildings within the boundary of a contiguous area or campus under one ownership and which serves one or more of those buildings.

Buildings using steam generated off-site with steam heating systems which do not have condensate water recovery shall have condensate water recovery.

**C403.9.7 Refrigeration condenser heat recovery.** Facilities having food service, meat or deli departments and having 500,000 Btu/h or greater of remote refrigeration condensers shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, space heating or for dehumidification reheat. Facilities having a gross conditioned floor area of 40,000 ft<sup>2</sup> or greater and 1,000,000 Btu/h or greater of remote refrigeration shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, and either for space heating or for dehumidification reheat for maintaining low space humidity.

**C403.9.8 Heat recovery for space heating.** A condenser heat recovery system meeting the requirements of Sections C403.9.8.1 through C403.9.8.4 shall be installed to serve heating systems in buildings meeting the following criteria:

1. The facility operates greater than 70 hours per week.
2. The sum of all heat rejection equipment capacity exceeds 1,500,000 Btu/hr.
3. The sum of zone minimum airflows in all zones with zone reheat coils divided by the conditioned floor area served by those systems is at least 0.45 cfm per square foot.

EXCEPTION: Systems complying with Section C403.3.5 Dedicated outdoor air systems.

**C403.9.8.1 Water-to-water heat recovery.** Ninety percent (90%) of the total building space heat shall be served by systems that include heat recovery chiller or water-to-water heat pump equipment capable of rejecting heat from the cooling loop to the space heating loop as the first stage of heating.

**C403.9.8.2 Exhaust heat recovery.** Heat shall be recovered by the condenser heat recovery system from 90 percent of the total building exhaust airflow. The maximum leaving air temperature of exhaust air after heat recovery shall be 55°F dry-bulb when operating at full capacity.

**C403.9.8.3 Process heat recovery.** Spaces with year-round cooling loads from lights and equipment of 5 watts and greater per square foot shall be served by water cooled equipment. Cooling loops serving the water cooled equipment shall be served by water-to-water heat recovery systems meeting the requirements of Section C403.9.8.1. Such spaces shall not be provided with an air or water economizer.

**C403.9.8.4 Water-to-water heat recovery sizing.** The minimum total combined capacity of heat recovery chillers or water-to-water heat pumps shall match the total combined capacity of equipment meeting the requirements of Sections C403.9.8.2 and C403.9.8.3.

NEW SECTION

**WAC 51-11C-40391 Section C403.10—Construction of HVAC system elements.**

**C403.10 Construction of HVAC system elements.** Ducts, plenums, piping and other elements that are part of an HVAC system shall be constructed and insulated in accordance with Sections C403.10.1 through C403.10.3.1.

**C403.10.1 Duct and plenum insulation and sealing.**

**C403.10.1.1 Ducts conveying outdoor air.** Ducts, shafts and plenums conveying outdoor air from the exterior of the building to the mechanical system shall meet all air leakage and building envelope insulation requirements of Section C402, plus building envelope vapor control requirements from the *International Building Code*, extending continuously from the building exterior to an automatic shutoff damper or heating or cooling equipment. For the purposes of building envelope insulation requirements, duct surfaces shall be insulated with the minimum insulation values in Table C403.10.1.1. Duct surfaces included as part of the building envelope shall not be used in the calculation of maximum glazing area as described in Section C402.4.1.

- EXCEPTIONS:
1. Outdoor air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity, provided these are insulated to the minimum insulation values in Table C403.10.1.1.
  2. Unheated equipment rooms with combustion air louvers, provided they are isolated from conditioned space at sides, top and bottom of the room with R-11 nominal insulation.

**Table C403.10.1.1  
Outdoor Air Ductwork Insulation**

Duct system	Duct Location and Use	Climate Zone	Airflow	Minimum Installed Duct Insulation R-value <sup>a,b</sup>	Notes
Outdoor Air	Inside conditioned space and upstream of automatic shutoff damper	4C and 5B	≥ 2800 CFM	R-16	See Section C403.10.1.1 for additional requirements
Outdoor Air	Inside conditioned space and downstream of automatic shutoff damper to HVAC unit or room	4C	≥ 2800 CFM	R-8	
Outdoor Air	Inside conditioned space and downstream of automatic shutoff damper to HVAC unit or room	5B	≥ 2800 CFM	R-12	
Outdoor Air	Inside conditioned space	4C and 5B	≤ 2800 CFM	R-7	See Exception 1 to Section C403.10.1.1 for additional details

<sup>a</sup> Insulation *R*-values, measured in h·ft<sup>2</sup>·°F/Btu, are for the insulation as installed and do not include film resistance. The required minimum thicknesses do not consider water vapor transmission and possible surface condensation. Insulation resistance measured on a horizontal plane in accordance with ASTM C518 at a mean temperature of 75°F at the installed thickness.

<sup>b</sup> See *International Mechanical Code* Sections 603.12 and 604 for further details on duct insulation requirements.

**C403.10.1.2 Other supply and return ducts.** All other supply and return air ducts and plenums shall be insulated with a minimum of R-6 insulation where located in unconditioned spaces and where located outside the building with a minimum of R-8 insulation in Climate Zone 4 and R-12 insulation in Climate Zone 5. Where located within a building envelope assembly, the duct or plenum shall be separated from the building exterior or unconditioned or exempt spaces by minimum insulation value as required for exterior walls by Section C402.1.3.

EXCEPTIONS: 1. Where located within equipment.

2. Supply and return ductwork located in unconditioned spaces where the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15°F (8°C) are insulated in accordance with Table C403.10.1.2.

Where located within conditioned space, supply ducts which convey supply air at temperatures less than 55°F or greater than 105°F shall be insulated with a minimum insulation *R*-value in accordance with Table C403.10.1.2.

EXCEPTION: Ductwork exposed to view within a zone that serves that zone is not required to be insulated.

Where located within conditioned space, return or exhaust air ducts that convey return or exhaust air downstream of an energy recovery media shall be insulated with a minimum insulation *R*-value in accordance with Table C403.10.1.2.

All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code*.

**Table C403.10.1.2  
Supply, Return, Exhaust and Relief Air Ductwork Insulation**

Duct System	Duct Location and Use	Climate Zone	Minimum Installed Duct Insulation <i>R</i> -value <sup>a,b</sup>	Notes
Supply air or return air	Outside the building (outdoors and exposed to weather) <sup>c</sup>	4C	R-8	See Section C403.10.1.2 for details
Supply air or return air	Outside the building (outdoors and exposed to weather) <sup>c</sup>	5B	R-12	See Section C403.10.1.2 for details
Supply air or return air	Unconditioned space (enclosed but not in the building conditioned envelope)	4C and 5B	R-6	See Section C403.10.1.2 for details
Supply air or return air	Unconditioned space where the duct conveys air that is within 15°F of the air temperature of the surrounding unconditioned space	4C and 5B	R-3.3	See IMC Section 603.12 for additional requirements for condensation control at ductwork
Supply air or return air	Where located in a building envelope assembly	4C and 5B	R-16	Duct or plenum is separated from building envelope assembly with the minimum insulation value
Supply air	Within conditioned space where the supply duct conveys air that is less than 55°F or greater than 105°F	4C and 5B	R-3.3	See Section C403.10.1.2 for details



Duct System	Duct Location and Use	Climate Zone	Minimum Installed Duct Insulation R-value <sup>a,b</sup>	Notes
Supply air	Within conditioned space that the duct directly serves where the supply duct conveys air that is less than 55°F or greater than 105°F	4C and 5B	None	See Section C403.10.1.2 for details
Supply air	Within conditioned space where the supply duct conveys air that is 55°F or greater and 105°F or less	4C and 5B	None	
Return or exhaust air	Within conditioned space, downstream of an energy recovery media, upstream of an automatic shutoff damper	4C	R-8	
Return or exhaust air	Within conditioned space, downstream of an energy recovery media, upstream of an automatic shutoff damper	5B	R-12	
Relief or exhaust air	Conditioned space and downstream of an automatic shutoff damper	4C and 5B	R-16	

<sup>a</sup> Insulation R-values, measured in h·ft<sup>2</sup>·°F/Btu, are for the insulation as installed and do not include film resistance. The required minimum thicknesses do not consider water vapor transmission and possible surface condensation. Insulation resistance measured on a horizontal plane in accordance with ASTM C518 at a mean temperature of 75°F at the installed thickness.

<sup>b</sup> See *International Mechanical Code* Sections 603.12 and 604 for further details on duct insulation requirements.

<sup>c</sup> Includes attics above insulated ceilings, parking garages and crawl spaces.

**C403.10.2 Duct construction.** Ductwork shall be constructed and erected in accordance with the *International Mechanical Code*.

**C403.10.2.1 Low-pressure duct systems.** Longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (500 Pa) shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus embedded-fabric systems or tapes installed in accordance with the manufacturer's installation instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

EXCEPTION: Continuously welded and locking-type longitudinal joints and seams on ducts operating at static pressures less than 2 inches water gauge (w.g.) (500 Pa) pressure classification.

**C403.10.2.2 Medium-pressure duct systems.** Ducts and plenums designed to operate at a static pressure greater than 2 inches water gauge (w.g.) (500 Pa) but less than 3 inches w.g. (750 Pa) shall be insulated and sealed in accordance with Section C403.10.1. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

**C403.10.2.3 High-pressure duct systems.** Ducts designed to operate at static pressures equal to or greater than 3 inches water gauge (w.g.) (750 Pa) shall be insulated and sealed in accordance with Section C403.10.1. In addition, ducts and plenums shall be leak-tested in accordance with the *SMACNA HVAC Air Duct Leakage Test Manual* and shown to have a rate of air leakage (*CL*) less than or equal to 4.0 as determined in accordance with Equation 4-9.

**(Equation 4-9)**

$$CL = F/P^{0.65}$$

Where:

- F* = The measured leakage rate in cfm per 100 square feet of duct surface.
- P* = The static pressure of the test.

Documentation shall be furnished by the designer demonstrating that representative sections totaling at least 25 percent of the duct area have been tested and that all tested sections meet the requirements of this section.

**C403.10.3 Piping insulation.** All piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Table C403.10.3.

- EXCEPTIONS:
1. Factory-installed piping within HVAC equipment tested and rated in accordance with a test procedure referenced by this code.
  2. Factory-installed piping within room fan-coils and unit ventilators tested and rated according to AHRI 440 (except that the sampling and variation provisions of Section 6.5 shall not apply) and 840, respectively.
  3. Piping that conveys fluids that have a design operating temperature range between 60°F (15°C) and 105°F (41°C).
  4. Piping that conveys fluids that have not been heated or cooled through the use of fossil fuels or electric power.
  5. Strainers, control valves, and balancing valves associated with piping 1 inch (25 mm) or less in diameter.
  6. Direct buried piping that conveys fluids at or below 60°F (15°C).

**Table C403.10.3**  
**Minimum Pipe Insulation Thickness (thickness in inches)<sup>a</sup>**

Fluid Operating Temperature Range and Usage (°F)	Insulation Conductivity		Nominal Pipe or Tube Size (inches)				
	Conductivity Btu • in. / (h • ft <sup>2</sup> • °F) <sup>b</sup>	Mean Rating Temperature, °F	< 1	1 to < 1-1/2	1-1/2 to < 4	4 to < 8	≥ 8
> 350	0.32 - 0.34	250	4.5	5.0	5.0	5.0	5.0
251 - 350	0.29 - 0.32	200	3.0	4.0	4.5	4.5	4.5
201 - 250	0.27 - 0.30	150	2.5	2.5	2.5	3.0	3.0
141 - 200	0.25 - 0.29	125	1.5	1.5	2.0	2.0	2.0
105 - 140	0.21 - 0.28	100	1.0	1.0	1.5	1.5	1.5
40 - 60	0.21 - 0.27	75	0.5	0.5	1.0	1.0	1.0
< 40	0.20 - 0.26	75	0.5	1.0	1.0	1.0	1.5

<sup>a</sup> For piping smaller than 1-1/2 inch (38 mm) and located in partitions within *conditioned spaces*, reduction of these thicknesses by 1 inch (25 mm) shall be permitted (before thickness adjustment required in footnote b) but not to a thickness less than 1 inch (25 mm).

<sup>b</sup> For insulation outside the stated conductivity range, the minimum thickness (*T*) shall be determined as follows:

$$T = r \{ (1 + t/r)^{K/k} - 1 \}$$

Where:

- T* = Minimum insulation thickness.
- r* = Actual outside radius of pipe.
- t* = Insulation thickness listed in the table for applicable fluid temperature and pipe size.
- K* = Conductivity of alternate material at mean rating temperature indicated for the applicable fluid temperature (Btu × in/h × ft<sup>2</sup> × °F).
- k* = The upper value of the conductivity range listed in the table for the applicable fluid temperature.

<sup>c</sup> For direct-buried heating and hot water system piping, reduction of these thicknesses by 1-1/2 inches (38 mm) shall be permitted (before thickness adjustment required in footnote b but not to thicknesses less than 1 inch (25 mm).

**C403.10.3.1 Protection of piping insulation.** Piping insulation exposed to weather shall be protected from damage, including that due to sunlight, moisture, equipment maintenance and wind, and shall provide shielding from solar radiation that can cause degradation of the material. Adhesives tape shall not be permitted.

NEW SECTION

**WAC 51-11C-40392 Section C403.11—Mechanical systems outside the building envelope.**

**C403.11 Mechanical systems located outside of the building thermal envelope.** Mechanical systems providing heat outside of the thermal envelope of a building shall comply with Sections C403.11.1 through C403.11.3.

**C403.11.1 Heating outside a building.** Systems installed to provide heat outside a building shall be radiant systems.

Such heating systems shall be controlled by an occupancy sensing device or a timer switch, so that the system is automatically deenergized when no occupants are present.

**C403.11.2 Snow- and ice-melt system controls.** Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls configured to shut off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic control that is configured to shutoff when the outdoor temperature is above 40°F (4°C) so that the potential for snow or ice accumulation is negligible.

**C403.11.3 Freeze protection system controls.** Freeze protection systems, such as heat tracing of outdoor piping and heat exchangers, including self-regulating heat tracing, shall include automatic controls configured to shut off the systems when outdoor air temperatures are above 40°F (4°C) or when the conditions of the protected fluid will prevent freezing.

NEW SECTION**WAC 51-11C-40393 Section C403.12—High efficiency single zone VAV systems.**

**C403.12 High efficiency single-zone variable air volume (VAV) systems.** For HVAC systems subject to the requirements of Section C403.3.5 but utilizing Exception 2 of that section, a high efficiency single-zone VAV system may be provided without a separate parallel DOAS when the system is designed, installed, and configured to comply with all of the following criteria (this exception shall not be used as a substitution for a DOAS per Section C406.6 or as a modification to the requirements for the *Standard Reference Design* in accordance with Section C407):

1. The single-zone VAV system is provided with airside economizer in accordance with Section C403.3 without exceptions.

2. A direct-digital control (DDC) system is provided to control the system as a single zone in accordance with Section C403.4.11 regardless of sizing thresholds of Table C403.4.11.1.

3. Single-zone VAV systems with a minimum outdoor air requirement of 1,000 cfm (472 L/s) or greater shall be equipped with a device capable of measuring outdoor airflow intake under all load conditions. The system shall be capable of increasing or reducing the outdoor airflow intake based on Section C403.7.1 demand controlled ventilation.

4. Allowable fan motor horsepower shall not exceed 90 percent of the allowable HVAC fan system bhp (Option 2) as defined by Section C403.8.1.1.

5. Each single-zone VAV system shall be designed to vary the supply fan airflow as a function of heating and cooling load and minimum fan speed shall not be more than the greater of:

5.1. 30 percent of peak design airflow; or

5.2. The required ventilation flow assuming no occupants.

6. Spaces that are larger than 150 square feet (14 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) shall be provided with all of the following features:

6.1. Demand control ventilation (DCV) shall be provided that utilizes a carbon dioxide sensor to reset the ventilation setpoint of the single-zone VAV system from the design minimum to design maximum ventilation rate as required by Chapter 4 of the *International Mechanical Code*.

6.2. Occupancy sensors shall be provided that are configured to reduce the minimum ventilation rate to zero and setback room temperature setpoints by a minimum of 5°F, for both cooling and heating, when the space is unoccupied.

7. Single-zone VAV systems shall comply with one of the following options:

7.1. Single-zone VAV air handling units with a hydronic heating coil connected to systems with hot water generation equipment limited to the following types of equipment: Gas-fired hydronic boilers with a thermal efficiency,  $E_t$ , of not less than 92 percent, air-to-water heat pumps or heat recovery chillers. Hydronic heating coils shall be sized for a maximum

entering hot water temperature of 120°F for peak anticipated heating load conditions.

7.2. Single-zone VAV air handling units with a chilled water coil connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than the minimum part load efficiencies listed in Table C403.3.2(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify. The smallest chiller or compressor in the central plant shall not exceed 20 percent of the total central plant cooling capacity or the chilled water system shall include thermal storage sized for a minimum of 20 percent of the total central cooling plant capacity.

7.3. Single-zone VAV air handling units with DX cooling, heat pump heating or gas-fired furnace shall comply with the following requirements as applicable:

7.3.1. Have a DX cooling coil with cooling part load efficiency that is a minimum of 15 percent higher than the minimum SEER or IEER listed in Tables C403.3.2(1) and C403.3.2(2).

7.3.2. Have a gas-fired furnace with a thermal efficiency,  $E_t$ , of not less than 90 percent or heat pump with a minimum heating HSPF or COP efficiency that are a minimum of 10 percent higher than the minimum heating efficiency in Tables C403.3.2(1) and C403.3.2(2).

7.3.3. Heating coils or burner output shall be modulating or have a minimum of 2 stages with the first stage being less than 50 percent of total heating capacity. Cooling coils shall be modulating or have a minimum of 2 stages with the first stage being less than 50 percent of the total cooling capacity.

8. The DDC system shall include a fault detection and diagnostics (FDD) system complying with the following:

8.1. The following temperature sensors shall be permanently installed to monitor system operation:

8.1.1. Outside air.

8.1.2. Supply air.

8.1.3. Return air.

8.2. Temperature sensors shall have an accuracy of  $\pm 2^\circ\text{F}$  ( $1.1^\circ\text{C}$ ) over the range of 40°F to 80°F (4°C to 26.7°C).

8.3. The single-zone VAV air handling unit controller shall be configured to provide system status by indicating the following:

8.3.1. Free cooling available.

8.3.2. Economizer enabled.

8.3.3. Compressor enabled.

8.3.4. Heating enabled.

8.3.5. Mixed air low limit cycle active.

8.3.6. The current value of each sensor.

8.4. The single-zone VAV air handling unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.

8.5. The single-zone VAV air handling unit shall be configured to report faults to a fault management application accessible by day-to-day operating or service personnel or annunciated locally on zone thermostats.

8.6. The FDD system shall be configured to detect the following faults:

8.6.1. Air temperature sensor failure/fault.

8.6.2. Not economizing when the unit should be economizing.

8.6.3. Economizing when the unit should not be economizing.

8.6.4. Outdoor air or return air damper not modulating.

8.6.5. Excess outdoor air.

**C403.13 Commissioning.** Mechanical systems shall be commissioned in accordance with Section C408.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40400 Section C404—Service water heating ((Mandatory)) and pressure-booster systems.**

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40402 Section C404.2—Service water-heating equipment performance efficiency.**

**C404.2 Service water-heating equipment performance efficiency.** Water-heating equipment and hot water storage tanks shall meet the requirements of Table C404.2. The efficiency shall be verified through certification and *listed* under an *approved* certification program, or if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Water-heating equipment ((also)) intended to be used to provide space heating shall meet the applicable provisions of Table C404.2.

**C404.2.1 High input-rated service water heating systems.** ((Gas-fired)) All water-heating equipment installed in new buildings, other than Group R-1 and R-2 occupancies, shall be in compliance with this section. Where a singular piece of water-heating equipment serves the entire building and the input rating of the equipment is 1,000,000 Btu/h (293 kW) or greater, such equipment shall ((have a thermal efficiency,  $E_t$ )) be a heat pump water heater or have an  $E_t$  or  $E_f$  of not less than 90 percent as determined by the applicable test procedures in Table C404.2.

Where multiple pieces of water-heating equipment serve the building and the combined input rating of the water-heating equipment is equal or greater than 1,000,000 Btu/h (293 kW) ((or greater)), the combined input-capacity-weighted-average ((thermal efficiency,  $E_t$ , shall not be less than 90 percent)) shall be no less than the following for each water heating fuel source:

1. A rated COP of not less than 2.0. For air-source heat pump equipment, the COP rating will be reported at the design leaving heat pump water temperature with an enter air temperature of 60°F (15.6°C) or less.

2. A rated  $E_t$  of not less than 90 percent as determined by the applicable test procedure in Table C404.2.

((EXCEPTIONS: 1. Where 25 percent of the annual service water-heating requirement is provided by site solar or site-recovered energy, the minimum thermal efficiency requirements of this section shall not apply.

2. The input rating of water heaters installed in individual dwelling units shall not be required to be included in the total input rating of service water-heating equipment for a building.

3. The input rating of water heaters with an input rating of not greater than 100,000 Btu/h (29.3 kW) shall not be required to be included in the total input rating of service water-heating equipment for a building.))

EXCEPTION:

Where not less than 25 percent of the annual service water-heating requirement is provided from any of the following sources:

1. Renewable energy generated on-site that is not being used to satisfy another requirement of this code; or

2. Heat recovered on-site from the building's wastewater, or from air that would otherwise be exhausted to the outdoors without heat recovery, that is not being used to satisfy other requirements of this code.

**C404.2.2 High input-rated service water heating system for Group R-1 and R-2 occupancies.** In new construction with over 1,000,000 Btu/h installed service water heating capacity serving Group R-1 and R-2 occupancies, at least 25 percent of annual water heating energy shall be provided from any combination of the following water heating sources:

1. Renewable energy generated on-site that is not being used to satisfy other requirements of this code; or

2. Heat recovered on-site from the building's wastewater, air source heat pumps, or from air that would otherwise be exhausted to the outdoors without heat recovery, that is not being used to satisfy other requirements of this code.

EXCEPTION:

Compliance with this section is not required if the combined input-capacity-weighted average equipment rating for each service water heating fuel source type is not less than the following:

1. A heat pump water heater or an electric water heater with a rating of 125 percent of the rated efficiency of Table C404.2.

2. A rated COP of not less than 2.0. For air-source heat pump equipment the COP rating will be reported at the design leaving heat pump water temperature with an entering air temperature of 60°F (15.6°C) or lower.

3. A rated  $E_t$  or  $E_f$  of not less than 90 percent as determined by the applicable test procedures in Table C404.2.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-404021 Table C404.2—Minimum performance of water-heating equipment.

Table C404.2  
Minimum Performance of Water-Heating Equipment

Equipment Type	Size Category (input)	Subcategory or Rating Condition	Performance Required <sup>a, b</sup>	Test Procedure
Storage water heaters, electric	≤ 12 kW <sup>d</sup>	((Resistance)) <u>Tabletop<sup>e</sup> ≥ 20 gal and ≥ 120 gal</u>	0.93 - 0.00132V, EF	DOE 10 C.F.R. Part 430
		<u>Resistance &gt; 20 gal and &lt; 55 gal</u>	<u>0.960 - 0.0003V, EF</u>	
		<u>Grid-enabled<sup>f</sup> &gt; 75 gal and &lt; 120 gal</u>	<u>1.06 - 0.00168V, EF</u>	
	((≤ 24 amps and ≤ 250-volts	Heat pump	0.93 - 0.00132V, EF	DOE 10 C.F.R. Part 430))
	> 12 kW <sup>d</sup>	Resistance	(0.3 + 27)/V <sub>m</sub> , %/h <sup>g</sup>	Section G.2 of ANSI Z21.10.3
	≤ 24 amps and ≤ 250 volts	Heat pump	<u>2.057 - 0.00113V, EF</u>	<u>DOE 10 C.F.R. Part 430</u>
Instantaneous water heaters, electric	All	Resistance	0.93 - 0.00132V, EF	DOE 10 C.F.R. Part 430
Storage water heaters, gas	≤ 75,000 Btu/h	≥ 20 gal and < 55 gal	((0.67 - 0.0019V, EF)) <u>0.675 - 0.0015V, EF</u>	DOE 10 C.F.R. Part 430
		≥ 55 gal and ≤ 100 gal	<u>0.8012 - 0.00078V, EF</u>	
	> 75,000 Btu/h	< 4,000 Btu/h/gal	80% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	Section G.1 and G.2 of ANSI Z21.10.3
Instantaneous water heaters, gas	> 50,000 Btu/h and < 200,000 Btu/h	≥ 4,000 (Btu/h)/gal and < 2 gal	((0.62)) <u>0.82</u> - 0.0019V, EF	DOE 10 C.F.R. Part 430
	≥ 200,000 Btu/h <sup>e</sup>	≥ 4,000 Btu/h/gal and < 10 gal	80% E <sub>t</sub>	Section G.1 and G.2 of ANSI Z21.10.3
	≥ 200,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	80% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Storage water heaters, oil	≤ 105,000 Btu/h	≥ 20 gal	((0.59)) <u>0.68</u> - 0.0019V, EF	DOE 10 C.F.R. Part 430
	> 105,000 Btu/h	< 4,000 Btu/h/gal	78% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	Section G.1 and G.2 of ANSI Z21.10.3
Instantaneous water heaters, oil	≤ 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 2 gal	0.59 - 0.0019V, EF	DOE 10 C.F.R. Part 430
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E <sub>t</sub>	Section G.1 and G.2 of ANSI Z21.10.3
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	78% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Hot water supply boilers, gas and oil	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E <sub>t</sub>	Section G.1 and G.2 of ANSI Z21.10.3
Hot water supply boilers, gas	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	80% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Hot water supply boilers, oil	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and > 10 gal	78% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Pool heaters, gas and oil	All	—	((78)) 82% E <sub>t</sub>	ASHRAE 146
Heat pump pool heaters	All	—	4.0 COP	AHRI 146
Unfired storage tanks	All	—	Minimum insulation requirement R-12.5 (h • ft <sup>2</sup> • °F)/Btu	(none)

For SI: °C = [(°F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 W, 1 gallon = 3.785 L, 1 British thermal unit per hour per gallon = 0.078 W/L.

<sup>a</sup>Energy factor (EF) and thermal efficiency (E<sub>t</sub>) are minimum requirements. In the EF equation, V is the rated volume in gallons.

<sup>b</sup>Standby loss (SL) is the maximum Btu/h based on a nominal 70°F temperature difference between stored water and ambient requirements. In the SL equation, Q is the nameplate input rate in Btu/h. In the SL equation for electric water heaters, V is the rated volume in gallons and V<sub>m</sub> is the measured volume in gallons. In the SL equation for oil and gas water heaters and boilers, V is the rated volume in gallons.

<sup>c</sup>Instantaneous water heaters with input rates below 200,000 Btu/h shall comply with these requirements if the water heater is designed to heat water to temperatures 180°F or higher.

<sup>d</sup>Electric water heaters with an input rating of 12 kW (40,950 Btu/h) or less that are designed to heat water to temperatures of 180°F or greater shall comply with the requirements for electric water heaters that have an input rating greater than 12 kW (40,950 Btu/h).

<sup>e</sup>A tabletop water heater is a water heater that is enclosed in a rectangular cabinet with a flat top surface not more than three feet (0.91 m) in height.

<sup>f</sup>A grid-enabled water heater is an electric resistance water heater that meets all of the following:

1. Has a rated storage tank volume of more than 75 gallons.

2. Is manufactured on or after April 16, 2015.

3. Is equipped at the point of manufacture with an activation lock.

4. Bears a permanent label applied by the manufacturer that complies with all of the following:

4.1. Is made of material not adversely affected by water.

4.2. Is attached by means of nonwater soluble adhesive.

4.3. Advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial narrow bold font: "IMPORTANT INFORMATION: This water heater is intended only for use as a part of an electric thermal storage or demand response program. It will not provide adequate hot water unless enrolled in such a program and activated by your utility company or another program operator. Confirm the availability of a program in your local area before purchasing or installing this product."

<sup>g</sup>%/h is the energy consumed to replace the heat loss from the tank while on standby, expressed as a percentage of the total energy in the stored water per hour.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40404 Section C404.4—Heat traps.**

**C404.4 Heat traps for hot water storage tanks.** ~~((Water heating equipment not supplied with integral heat traps and serving noncirculating systems shall be provided with heat traps on the supply and discharge piping associated with the equipment.))~~ Storage tank-type water heaters and hot water storage tanks that have vertical water pipes connecting to the inlet and outlet of the tank shall be provided with integral heat traps at those inlets and outlets or shall have pipe-configured heat traps in the piping connected to those inlets and outlets. Tank inlets and outlets associated with solar water heating system circulation loops shall not be required to have heat traps.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40407 Section C404.7—Heated-water circulating and temperature maintenance systems.**

**C404.7 Heated-water circulating and temperature maintenance systems.** Heated-water circulation systems shall be in accordance with Section C404.7.1. Heat trace temperature maintenance systems shall be in accordance with Section C404.7.2. Controls for hot water storage shall be in accordance with Section C404.7.3. Automatic controls, temperature sensors and pumps shall be ~~((accessible))~~ in a location with access. Manual controls shall be ~~((readily accessible))~~ in a location with ready access.

**C404.7.1 Circulation systems.** Heated-water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe ~~((or a cold water supply pipe)).~~ Gravity and thermo-syphon circulation systems shall be prohibited. Controls ~~((for circulating hot water system pumps))~~ shall start the pump based on the iden-

tification of a demand for hot water within the occupancy. ~~((The controls shall))~~

**C404.7.1.1 Single riser systems.** Where the circulation system serves only a single domestic hot water riser or zone, the following controls shall be provided:

1. Control to automatically turn off the pump when the water in the circulation loop is at the ~~((desired temperature and when there is no demand for hot water))~~ supply temperature and shall not turn the pump back on until the temperature is a minimum of 10°F lower than the supply temperature or have controls equipped with automatic time switches or other controls that can be set to switch off the pump during unoccupied hours when hot water is not required.

2. Control shall be equipped with manual switch or other controls that can be used to turn off the pump during extended periods when hot water is not required.

**C404.7.1.2 Multiple riser systems.** Where the circulation system serves multiple domestic hot water risers or piping zones, controls shall be provided such that they can be set to switch off the pump during extended periods when hot water is not required. System shall include means for balancing the flow rate through each individual hot water supply riser or piping zone.

**C404.7.2 Heat trace systems.** Electric heat trace systems shall comply with IEEE 515.1. Controls for such systems shall be able to automatically adjust the energy input to the heat tracing to maintain the desired water temperature in the piping in accordance with the times when heated water is used in the occupancy. Heat trace shall be arranged to be turned off automatically when there is no hot water demand.

**C404.7.3 Controls for hot water storage.** The controls on pumps that circulate water between a water heater and a heated-water storage tank shall limit operation of the pump from heating cycle startup to not greater than 5 minutes after the end of the cycle.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40408 Section C404.8—Demand recirculation controls.**

**C404.8 Demand recirculation controls.** ~~((A water distribution system having one or more recirculation pumps that pump water from a heated water supply pipe back to the heated water source through a cold water supply pipe shall be a))~~ Demand recirculation water systems ~~((Pumps))~~ shall have controls that comply with both of the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.

2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

AMENDATORY SECTION (Amending WSR 14-24-122, filed 12/3/14, effective 1/3/15)

**WAC 51-11C-40409 Section C404.9—Domestic hot water meters.**

**C404.9 Domestic hot water meters.** Each individual dwelling unit in a Group R-2 occupancy with central service domestic hot water systems shall be provided with a domestic hot water meter to allow for domestic hot water billing based on actual domestic hot water usage.

EXCEPTION: Dwelling units in other than Group R-2 apartment and live/work units are not required to provide domestic hot water metering at each dwelling unit where domestic hot water is metered separately for each of the following building end uses:

1. Dwelling units.
2. Sleeping units.
3. Commercial kitchens.
4. Central laundries.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40410 Section C404.11—Pools and spas.**

**C404.11 Energy consumption of pools and permanent spas ~~((mandatory))~~.** The energy consumption of pools and permanent spas shall be controlled by the requirements in Sections C404.11.1 through C404.11.4.

**C404.11.1 Heaters.** Heat pump pool heaters shall have a minimum COP of 4.0 determined in accordance with ASHRAE Standard 146. Other pool heating equipment shall comply with the applicable efficiencies in Section C404.2.

The electric power to all heaters shall be controlled by ~~((a readily accessible))~~ an on-off switch that is an integral part of the heater, mounted on the exterior of the heater, or external to and within 3 feet of the heater in a location with ready access. Operation of such switch shall not change the setting of the heater thermostat. Such switches shall be in addition to a circuit breaker for the power to the heater. Gas-

fired heaters shall not be equipped with constant burning pilot lights.

**C404.11.2 Time switches.** Time switches or other control method that can automatically turn off and on heaters and pump motors according to a preset schedule shall be installed for heaters and pump motors. Heaters and pump motors that have built-in time switches shall be in compliance with this section.

EXCEPTIONS:

1. Where public health standards require 24-hour pump operation.
2. Pumps that operate solar- and waste-heat-recovery pool heating systems.

**C404.11.3 Covers.** Heated pools and permanent spas shall be provided with a vapor-retardant cover on or at the water surface. Pools heated to more than 90°F shall have a pool cover with a minimum insulation value of R-12, and the sides and bottom of the pool shall also have a minimum insulation value of R-12.

**C404.11.4 Heat recovery.** Heated indoor swimming pools, spas or hot tubs with water surface area greater than 200 square feet shall provide for energy conservation by an exhaust air heat recovery system that heats ventilation air, pool water or domestic hot water. The heat recovery system shall be configured to decrease the exhaust air temperature at design heating conditions (80°F indoor) by 36°F (10°C).

EXCEPTION: Pools, spas or hot tubs that include system(s) that provide equivalent recovered energy on an annual basis through one of the following methods:

1. ~~((Renewable energy;))~~ Solar water heating systems not claimed in Section C406.5 or C407;
2. Dehumidification heat recovery;
3. Waste heat recovery; or
4. A combination of these system sources capable of and configured to ~~((provided))~~ provide at least 70 percent of the heating energy required over an operating season.

**C404.12 Energy consumption of portable spas ~~((mandatory))~~.** The energy consumption of electric-powered portable spas shall be controlled by the requirements of APSP 14.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40413 Section C404.13—Service ~~((water heating system commissioning and completion requirements))~~ water pressure-booster systems.**

**C404.13 Service ~~((water heating system commissioning and completion requirements))~~ water pressure-booster systems.** Service water heating systems, swimming pool water heating systems, spa water heating systems and the controls for those systems shall be ~~commissioned and completed in accordance with Section C408~~ commissioned and completed in accordance with Section C408 water pressure-booster systems shall be designed and configured such that the following apply:

1. One or more pressure sensors shall be used to vary pump speed and/or start and stop pumps. The sensors shall either be located near the critical fixtures that determine the pressure required, or logic shall be employed that adjusts the setpoint to simulate operations of remote sensors.

2. No devices shall be installed for the purpose of reducing the pressure of all of the water supplied by any booster system pump or booster system, except for safety devices.

3. Booster system pumps shall not operate when there is no service water flow except to refill hydro-pneumatic tanks.

4. System pump motors 7.5 hp and greater shall be provided with variable flow capacity in accordance with Section C403.2.3.

**C404.14 Commissioning.** Service water heating systems shall be commissioned in accordance with Section C408.

**AMENDATORY SECTION** (Amending WSR 19-02-089, filed 1/2/19, effective 7/1/19)

**WAC 51-11C-40215 Section C402.1.5—Component performance alternative.**

**C402.1.5 Component performance alternative.** Building envelope values and fenestration areas determined in accordance with Equation 4-2 shall be permitted in lieu of compliance with the *U*-factors and *F*-factors in Table C402.1.4 and C402.4 and the maximum allowable fenestration areas in Section C402.4.1.

For buildings with more than one space conditioning category, component performance compliance shall be demonstrated separately for each space conditioning category. Interior partition ceilings, walls, fenestration and floors that separate space conditioning areas shall be applied to the component performance calculations for the space conditioning category with the highest level of space conditioning.

**Equation 4-2**

$$((A + B + C + D) \leq \text{Zero})$$

Where:

A = Sum of the (UA Dif) values for each distinct assembly type of the building thermal envelope, other than slabs on grade

- UA Dif = UA Proposed – UA Table
- UA Proposed = Proposed *U*-value x Proposed Area
- UA Table = (*U*-factor from Table C402.1.4 or C402.4) x Area

B = Sum of the (FL Dif) values for each distinct slab-on-grade perimeter condition of the building thermal envelope

- FL Dif = FL Proposed – FL Table
- FL Proposed = Proposed *F*-value x Proposed Perimeter length
- FL Table = (*F*-factor specified in Table C402.1.4) x Proposed Perimeter length

The maximum allowed prescriptive vertical fenestration area, identified as "Vertical Fenestration Area allowed" in factor CA below, is the gross above-grade wall area times either:

1. 30%
2. 40% if the building complies with Section C402.4.1.1 or Section C402.4.1.4; or
3. 40% if the *U*-values used in calculating A for vertical fenestration are taken from Section C402.4.1.3 rather than Table C402.4

Where the proposed vertical fenestration area is less than or equal to the Vertical Fenestration Area allowed, the value of C (Excess Vertical Glazing Value) shall be zero. Otherwise:

$$C = (CA \times UV) - (CA \times U_{Wall}), \text{ but not less than zero}$$

- CA = (Proposed Vertical Fenestration Area) – (Vertical Fenestration Area allowed)
- UAW = Sum of the (UA table) values for each above-grade wall assembly
- U<sub>Wall</sub> = UAW / (sum of proposed wall area + CA)
- UAV = Sum of the (UA Table) values for each vertical fenestration assembly
- UV = UAV / Total Vertical Fenestration Area allowed

Where the proposed skylight area is less than or equal to the skylight area allowed by Section C402.4.1, the value of D (Excess Skylight Value) shall be zero. Otherwise:

$$D = (DA \times US) - (DA \times U_{Roof}), \text{ but not less than zero}$$

- DA = (Proposed Skylight Area) – (Allowable Skylight Area from Section C402.4.1)
- UAR = Sum of the (UA Table) values for each roof assembly
- U<sub>Roof</sub> = UAR / (sum of proposed roof area + DA)
- UAS = Sum of the (UA Table) values for each skylight assembly
- US = UAS / the Allowable Skylight Area from Section C402.4.1

Where required by other sections of the code Proposed Total Envelope UA and Allowed Total Envelope UA shall be calculated as:



<del>Proposed Total Envelope UA</del>	=	<del>Sum of UA Proposed and FL Proposed for each distinct envelope assembly</del>
<del>Allowed Total Envelope UA</del>	=	<del>Sum UA Table C—D</del>
Where:		
<del>Sum UA Table</del>	=	<del>Sum of UA Table and FL Table for each distinct envelope assembly))</del>
<b><u>Proposed Total UA</u></b>	=	<u>UA-glaz-prop + UA sky-prop + UA-opaque-prop + FL-slab-prop</u>
<b><u>Allowable Total UA</u></b>	=	<u>UA-glaz-allow + UA-glaz-excess + UA sky-allow + UA-sky-excess + UA-opaque-allow + FL-slab-allow</u>
<b><u>UA-glaz-prop</u></b>	=	<u>Sum of (proposed <i>U</i>-value x proposed area) for each distinct vertical fenestration type, up to code maximum area</u>
<b><u>UA-sky-prop</u></b>	=	<u>Sum of (proposed <i>U</i>-value x proposed area) for each distinct skylight type, up to the code maximum area</u>
<b><u>UA-opaque-prop</u></b>	=	<u>Sum of (proposed <i>U</i>-value x proposed area) for each distinct opaque thermal envelope type</u>
<b><u>FL-slab-prop</u></b>	=	<u>Sum of (proposed <i>F</i>-value x proposed length) for each distinct slab on grade perimeter assembly</u>
<b><u>UA-glaz-allow</u></b>	=	<u>Sum of (code maximum vertical fenestration <i>U</i>-value from Table C402.4, or Section C402.4.1.3 if applicable, x proposed area) for each distinct vertical fenestration type, not to exceed the code maximum area<sup>1</sup></u>
<b><u>UA-glaz-excess</u></b>	=	<u><i>U</i>-value for the proposed wall type from Table C402.4<sup>2</sup> x vertical fenestration area in excess of the code maximum area</u>

<b><u>UA-sky-allow</u></b>	=	<u>Sum of (code maximum skylight <i>U</i>-value from Table C402.4 x proposed area) for each distinct skylight type proposed, not to exceed the code maximum area</u>
<b><u>UA-sky-excess</u></b>	=	<u><i>U</i>-value for the proposed roof type from Table C402.4<sup>3</sup> x skylight area in excess of the code maximum area</u>
<b><u>UA-opaque-allow</u></b>	=	<u>Code maximum opaque envelope <i>U</i>-value from Table C402.1.4 for each opaque door, wall, roof, and floor assembly x proposed area</u>
<b><u>FL-slab-allow</u></b>	=	<u>Code maximum <i>F</i>-value for each slab-on-grade perimeter assembly x proposed length</u>

- Notes:**
- <sup>1</sup> Where multiple vertical fenestration types are proposed and the code maximum area is exceeded, the *U*-value shall be the average Table C402.1.4 *U*-value weighted by the proposed vertical fenestration area of each type.
  - <sup>2</sup> Where multiple wall types are proposed the *U*-value shall be the average Table C402.1.4 *U*-value weighted by the proposed above grade wall area of each type.
  - <sup>3</sup> Where multiple roof types are proposed the *U*-value shall be the average Table C402.1.4 *U*-value weighted by the proposed roof area of each type.

**C402.1.5.1 Component *U*-factors.** The *U*-factors for typical construction assemblies are included in Chapter 3 and Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 3 or Appendix A, values shall be calculated in accordance with the ASHRAE *Handbook—Fundamentals*, using the framing factors listed in Appendix A.

For envelope assemblies containing metal framing, the *U*-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. ASHRAE *Handbook—Fundamentals* where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in ASHRAE *Handbook—Fundamentals*.
4. Effective framing/cavity *R*-values as provided in Appendix A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

5. Tables in ASHRAE 90.1 Normative Appendix A.

6. Calculation method for steel-framed walls in accordance with Section C402.1.4.1 and Table C402.1.4.1.

**C402.1.5.2 SHGC rate calculations.** Fenestration SHGC values for individual components and/or fenestration are permitted to exceed the SHGC values in Table C402.4 and/or the maximum allowable fenestration areas in Section C402.4.1 where the proposed values result in SHGC<sub>A<sub>p</sub></sub> less than SHGC<sub>A<sub>t</sub></sub> as determined by Equations 4-3 and 4-4.

**Equation 4-3—((Target SHGC<sub>A<sub>t</sub></sub>)  
Equation C402-3  
Target SHGC<sub>A<sub>t</sub></sub>) SHGC Rate Calculations**

$$((SHGC_{A_t} = SHGC_{ogt}(A_{ogt}) + SHGC_{vgt}(A_{vgt} + A_{vgmt} + A_{vgmot} + A_{vgdt}))$$

Where:

SHGC<sub>A<sub>t</sub></sub> = The target combined solar heat gain of the target fenestration area.

SHGC<sub>ogt</sub> = The solar heat gain coefficient for skylight fenestration found in Table C402.4.

A<sub>ogt</sub> = The target skylight area.

SHGC<sub>vgt</sub> = The solar heat gain coefficient for vertical fenestration found in Table C402.4 which corresponds to the proposed total fenestration area as a percentage of gross exterior wall.

A<sub>vgt</sub> = The target vertical fenestration area with nonmetal framing.

A<sub>vgmt</sub> = The target vertical fenestration area with fixed metal framing.

A<sub>vgmot</sub> = The target vertical fenestration area with operable metal framing.

A<sub>vgdt</sub> = The proposed vertical fenestration area of entrance doors.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.))

**Proposed Total SHGC<sub>A</sub> ≤ Allowable Total SHGC<sub>A</sub>**

Where:

Proposed Total SHGC<sub>A</sub> = SHGC<sub>A</sub>-glaz-prop + SHGC<sub>A</sub>-sky-prop

Allowable Total SHGC<sub>A</sub> = SHGC<sub>A</sub>-glaz-allow + SHGC<sub>A</sub>-sky-allow

SHGC<sub>A</sub>-glaz-prop = Sum of (proposed SHGC<sub>x</sub> proposed area) for each distinct vertical fenestration type

SHGC<sub>A</sub>-sky-prop = Sum of (proposed SHGC<sub>x</sub> proposed area) for each distinct skylight type

SHGC<sub>A</sub>-glaz-allow = Sum of (code maximum vertical fenestration SHGC from Table C402.4, or Section C402.4.1.3 if applicable, x proposed area) for each distinct vertical fenestration type, not to exceed the code maximum area

SHGC<sub>A</sub>-sky-allow = Sum of (code maximum skylight SHGC from Table C402.4x proposed area) for each distinct skylight type, not to exceed the code maximum area

If the proposed vertical fenestration area does not exceed the Vertical Fenestration Area allowed, the target area for each vertical fenestration type shall equal the proposed area. If the proposed vertical fenestration area exceeds the Vertical Fenestration Area allowed, the target area of each vertical fenestration element shall be reduced in the base envelope design by the same percentage and the net area of each above-grade wall type increased proportionately by the same percentage so that the total vertical fenestration area is exactly equal to the Vertical Fenestration Area allowed.

If the proposed skylight area does not exceed the Allowable Skylight Area from Section C402.4.1, the target area shall equal the proposed area. If the proposed skylight area exceeds the Allowable Skylight Area from Section C402.4.1, the area of each skylight element shall be reduced in the base envelope design by the same percentage and the net area of each roof type increased proportionately by the same percentage so that the total skylight area is exactly equal to the allowed percentage per Section C402.3.1 of the gross roof area.

**((Equation 4-4  
Proposed SHGC<sub>A<sub>p</sub></sub>)**

$$SHGC_{A_p} = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

SHGC<sub>A<sub>t</sub></sub> = The combined proposed solar heat gain of the proposed fenestration area.

SHGC<sub>og</sub> = The solar heat gain coefficient of the skylights.

A<sub>og</sub> = The skylight area.

SHGC<sub>vg</sub> = The solar heat gain coefficient of the vertical fenestration.

A<sub>vg</sub> = The vertical fenestration area.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.))

AMENDATORY SECTION (Amending WSR 19-02-089, filed 1/2/19, effective 7/1/19)

**WAC 51-11C-40406 Section C404.6—Pipe insulation.**

**C404.6 Insulation of piping.** Piping from a water heater to the termination of the heated water fixture supply pipe shall be insulated in accordance with Table ~~((C403.2.9))~~ C403.10.3. On both the inlet and outlet piping of a storage water heater or heated water storage tank, the piping to a heat trap or the first 8 feet (2438 mm) of piping, whichever is less, shall be insulated. Piping that is heat traced shall be insulated in accordance with Table ~~((C403.2.9))~~ C403.10.3 or the heat trace manufacturer's instructions. Tubular pipe insulation shall be installed in accordance with the insulation manufacturer's instructions. Pipe insulation shall be continuous, including through hangers and supports, such that thermal bridging is prevented, except where the piping passes through a framing member. The minimum insulation thickness requirements of this section shall not supersede any greater insulation thickness requirements necessary for the protection of piping from freezing temperatures or the protection of personnel against external surface temperatures on the insulation.

EXCEPTION: Tubular pipe insulation shall not be required on the following:

1. The tubing from the connection at the termination of the fixture supply piping to a plumbing fixture or plumbing appliance.
2. Valves, pumps, strainers and threaded unions in piping that is 1 inch (25 mm) or less in nominal diameter.
3. Piping from user-controlled shower and bath mixing valves to the water outlets.
4. Cold-water piping of a demand recirculation water system.
5. Tubing from a hot drinking-water heating unit to the water outlet.
6. Piping at locations where a vertical support of the piping is installed.
7. Piping surrounded by building insulation with a thermal resistance (*R*-value) of not less than R-3.
8. Hot water piping that is part of the final pipe run to the plumbing fixture and is not part of the heated-water circulation system circulation path is not required to meet the minimum insulation requirements of C404.6.

AMENDATORY SECTION (Amending WSR 19-02-089, filed 1/2/19, effective 7/1/19)

**WAC 51-11C-50300 Section C503—Alterations.**

**C503.1 General.** Alterations to any building or structure shall comply with the requirements of Section C503 and the code for new construction. Alterations to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Alterations shall be such that the existing building or structure is no less conforming with the provisions of this code than the existing building or structure was prior to the alteration. ~~((Alterations~~

~~to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Alterations shall not create an unsafe or hazardous condition or overload existing building systems.))~~

EXCEPTION: The following alterations need not comply with the requirements for new construction provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Surface applied window film installed on existing single pane fenestration assemblies to reduce solar heat gain provided the code does not require the glazing fenestration to be replaced.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Section C402.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. *Roof recover*.
6. *Air barriers* shall not be required for *roof recover* and roof replacement where the *alterations* or renovations to the building do not include *alterations*, renovations or *repairs* to the remainder of the building envelope.
7. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided however that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

**C503.2 Change in space conditioning.** Any ~~((none conditioned))~~ low energy space in accordance with Section C402.1.1.1 that is altered to become conditioned space or semi-heated space shall be ((required to be)) brought into full compliance with this code. Any semi-heated space in accordance with Section C402.1.1.2 that is altered to become conditioned space shall be required to be brought into full compliance with this code.

For buildings with more than one space conditioning category, the interior partition walls, ceilings, floors and fenestration that separate space conditioning areas shall comply with the thermal envelope requirements per the area with the highest level of space conditioning.

A change in space conditioning project shall be deemed to comply with this code if the project area alone complies or if the existing building and the project area combined comply with this code as a whole building.

EXCEPTIONS: 1. Where the component performance building ~~((envelope option))~~ alternative in Section C402.1.5 is used to ~~((empty))~~ demonstrate compliance with this Section, the Proposed Total ~~((Envelope))~~ UA is allowed to be up to 110 percent of the ~~((Allowed))~~ Allowable Total Envelope UA. ~~((Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3.))~~

2. Where total building performance in Section C407 is used to demonstrate compliance with this section, the annual carbon emissions from energy consumption of the proposed design is allowed to be up to 110 percent of the annual carbon emissions from energy consumption allowed by Section C407.3. This exception may be applied to the project area alone, or to the existing building and project area combined as a whole building.

3. Buildings or spaces that were permitted prior to the 2009 Washington state energy code, or were originally permitted as unconditioned, may comply with this section as follows:

3.1. Where the component performance alternative in Section C402.1.5 is used, the Proposed Total UA is allowed to be up to 110 percent of the Allowable Total UA.

3.2. Where total building performance in Section C407 is used, the annual carbon emissions from energy consumption of the proposed design is allowed to be up to 110 percent of the annual carbon emissions from energy consumption allowed by Section C407.3.

**C503.3 Building envelope.** New building envelope assemblies that are part of the alteration shall comply with Sections C402.1 through C402.5 as applicable.

EXCEPTION: Air leakage testing is not required for alterations and repairs, unless the project includes a change in space conditioning according to Section C503.2 or a change of occupancy or use according to Section C505.1.

**C503.3.1 Roof replacement.** *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

**C503.3.2 Vertical fenestration.** The addition of *vertical fenestration* that results in a total building vertical fenestration area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. Alterations that result in a total building vertical fenestration area greater than specified in Section C402.4.1 shall comply with one of the following:

1. Vertical fenestration alternate ~~((per))~~ in accordance with Section C402.1.3 for the new vertical fenestration added.

2. Vertical fenestration alternate ~~((per))~~ in accordance with Section C402.4.1.1 for the area adjacent to the new vertical fenestration added.

3. Existing building and alteration area are combined to demonstrate compliance with the component performance ~~((option))~~ alternate with target area adjustment ~~((per))~~ in accordance with Section C402.1.5 ~~((or the))~~ for the whole building.

4. Total building performance ~~((option))~~ alternative in Section C407 for the whole building.

EXCEPTIONS: 1. Additional envelope upgrades are included in the project so the addition of vertical fenestration does not cause a reduction in overall building energy efficiency, as approved by the code official.

2. Where the component performance alternative for the whole building is used to demonstrate compliance with this section, the Proposed Total UA is allowed to be up to 110 percent of the Allowed Total UA.

3. Where total building performance for the whole building is used to demonstrate compliance with this section, the annual carbon emissions from energy consumption of the proposed design is allowed to be up to 110 percent of the annual carbon emissions from energy consumption allowed in Section C407.3.

**C503.3.2.1 Application to replacement fenestration products.** Where some or all of an existing *fenestration* unit is replaced with a new *fenestration* product, including sash and glazing, the replacement *fenestration* unit shall meet the applicable requirements for *U-factor* and *SHGC* in Table C402.4.

EXCEPTION: An area-weighted average of the *U-factor* of replacement fenestration products being installed in the building for each fenestration product category listed in Table C402.4 shall be permitted to satisfy the *U-factor* requirements for each fenestration product category listed in Table C402.4. Individual fenestration products from different product categories listed in Table C402.4 shall not be combined in calculating the area-weighted average *U-factor*.

**C503.3.3 Skylight area.** The addition of *skylights* that results in a total building skylight area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. ~~((Alterations))~~ The addition of skylights that results in a total building skylight area greater than that specified in Section C402.4.1 shall comply with one of the following:

1. Existing building and alteration area are combined to demonstrate compliance with the component performance ~~((option))~~ alternative with target area adjustment ~~((per))~~ in accordance with Section C402.1.5 ~~((or the))~~ for the whole building.

2. Total building performance ~~((option))~~ in accordance with Section C407 for the whole building.

EXCEPTIONS: 1. Additional envelope upgrades are included in the project so the addition of skylights does not cause a reduction in overall building energy efficiency, as approved by the code official.

2. Where the component performance alternative for the whole building is used to demonstrate compliance with this section, the Proposed Total UA is allowed to be up to 110 percent of the Allowed Total UA.

3. Where total building performance for the whole building is used to demonstrate compliance with this section, the annual carbon emissions from energy consumption of the proposed design is allowed to be up to 110 percent of the annual carbon emissions from energy consumption allowed in Section C407.3.

**C503.4 Mechanical systems.** Those parts of systems which are altered or replaced shall comply with Section C403. Additions or alterations shall not be made to an existing mechanical system that will cause the existing mechanical system to become out of compliance.

EXCEPTIONS: 1. Existing mechanical systems which are altered or where parts of the systems are replaced are not required to be modified to comply with Section ~~((C403.6))~~ C403.3.5 as long as mechanical cooling capacity is not added to ~~((the))~~ a system that did not have cooling capacity prior to the alteration.

2. Alternate mechanical system designs that are not in full compliance with this code may be approved when the code official determines that existing building constraints including, but not limited to, available mechanical space, limitations of the existing structure, or proximity to adjacent air intakes or exhausts makes full compliance impractical. Alternate designs shall include additional energy saving strategies not prescriptively required by this code for the scope of the project including, but not limited to, demand control ventilation, energy recovery, or increased mechanical cooling or heating equipment efficiency above that required by Tables C403.3.2(1) through C403.3.2(12).

3. Only those components of existing HVAC systems that are altered or replaced shall be required to meet the requirements of Section C403.8.1. Allowable fan motor horsepower. Components replaced or altered shall not exceed the fan power limitation pressure drop adjustment values in Table C403.8.1(2) at design conditions. Section C403.8.1 does not require the removal and replacement of existing system ductwork.

**C503.4.1 New mechanical systems.** All new mechanical systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Section C403.

**C503.4.2 Addition of cooling capacity.** Where mechanical cooling is added to a space that was not previously cooled, the mechanical system shall comply with either Section ~~((C403.6 or C403.3))~~ C403.3.5 or C403.5.

EXCEPTIONS: 1. ~~((Alternate designs that are not in full compliance with this code may be approved when the code official determines that existing building constraints including, but not limited to, available mechanical space, limitations of the existing structure, or proximity to adjacent air intakes/exhausts make full compliance impractical. Alternate designs shall provide alternate energy savings strategies including, but not limited to, Demand Control Ventilation or increased mechanical cooling or heating efficiency above that required by Tables C403.2.3(1) through C403.2.3(10).~~

2.) ~~Qualifying small equipment: ((This exception shall not be used for unitary cooling equipment installed outdoors or in a mechanical room adjacent to the outdoors. This exception is allowed to be used for other)) Economizers are not required for cooling units and split systems serving one zone with a total cooling capacity rated in accordance with Section ((C403.2.3)) C403.3.2 of less than 33,000 Btu/h (hereafter referred to as qualifying small systems) provided that these are high-efficiency cooling equipment with SEER and EER values more than 15 percent higher than minimum efficiencies listed in Tables ((C403.2.3)) C403.3.2 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all qualifying small equipment without economizers shall not exceed 72,000 Btu/h per building, or 5 percent of ((#s)) the building total air economizer capacity, whichever is greater. ((That))~~

Notes and exclusions for Exception 1:

1.1. The portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building.

1.2. Redundant units are not counted in the capacity limitations.

1.3. This exception shall not be used for the initial tenant improvement of a shell-and-core ((permit)) building or space, or for ((the initial tenant improvement or for)) Total Building Performance in accordance with Section C407.

~~((3.))~~ 1.4. This exception shall not be used for unitary cooling equipment installed outdoors or in a mechanical room adjacent to the outdoors.

2. Chilled water terminal units connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than minimum part load equipment efficiencies listed in Table ((C403.2.3)) C403.3.2(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20 percent of ((#s)) the building total air economizer capacity, whichever is greater. ((That))

Notes and exclusions for Exception 2:

2.1. The portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building.

2.2. This exception shall not be used for the initial ((permit (this includes any initial permit for the space including, but not limited to, the shell-and-core permit, built-to-suit permit, and tenant improvement permit) or for Total Building Performance Method)) tenant improvement of a shell-and-core building or space, or for total building performance in accordance with Section C407.

**C503.4.3 Alterations or replacement of existing cooling systems.** Alterations to, or replacement of, existing mechanical cooling systems shall not decrease the building total economizer capacity unless the system complies with either Section ~~((C403.2.6 or C403.3. In addition, for existing mechanical cooling systems that do not comply with either Section C403.2.6 or C403.3, including both the individual unit))~~ C403.3.5 or C403.5. System alterations or replacement shall comply with Table C503.4 when the individual cooling size limit((s)) and the ((total)) building total capacity limit((s or units)) of all cooling equipment without economizer((s other alterations shall comply with Table C503.4)) do not comply with Section C403.3.5 or C403.5.

**C503.4.4 Controls for cooling equipment replacement.** When space cooling equipment is replaced, controls shall comply with all requirements under Section ~~((C403.6))~~ C403.3.5 and related subsections ~~((or provide for integrated operation with economizer in accordance with Section C403.3.4)), and Section C403.5.1 for integrated economizer control.~~

**C503.4.5 Cooling equipment relocation.** Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

**Table C503.4  
Economizer Compliance Options for Mechanical Alterations**

	<b>Option A</b>	<b>Option B (alternate to A)</b>	<b>Option C (alternate to A)</b>	<b>Option D (alternate to A)</b>
<b>Unit Type</b>	<b>Any alteration with new or replacement equipment</b>	<b>Replacement unit of the same type with the same or smaller output capacity</b>	<b>Replacement unit of the same type with a larger output capacity</b>	<b>New equipment added to existing system or replacement unit of a different type</b>
1. Packaged Units	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>
2. Split Systems	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	<b>For units &lt; 60,000 Btuh:</b> Efficiency: + ((10/5% <sup>5</sup> )) 10% <sup>e</sup> Economizer: shall not decrease existing economizer capability	(( <b>Only for new</b> )) For units (< 54,000) ≤ 60,000 Btuh replacing unit installed prior to 1991 (one of two): Efficiency: + ((10/5% <sup>5</sup> )) 10% <sup>e</sup> Economizer: 50%(( <sup>6</sup> )) <sup>f</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>
		<b>Otherwise:</b> Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	(( <b>For units &gt; 54,000 Btuh or any units installed after 1991:</b> <b>Option A</b> )) <b>Otherwise:</b> Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	
3. Water Source Heat Pump	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	(two of three): Efficiency: + ((10/5% <sup>5</sup> )) 10% <sup>e</sup> <b>For units &lt; 72,000 Btuh Flow control valve((<sup>7</sup>))<sup>g</sup></b> Economizer: 50%(( <sup>6</sup> )) <sup>f</sup>  <b>Otherwise:</b> Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	(three of three): Efficiency: + ((10/5% <sup>5</sup> )) 10% <sup>e</sup> <b>For units &lt; 72,000 Btuh Flow control valve((<sup>7</sup>))<sup>g</sup></b> Economizer: 50%(( <sup>6</sup> )) <sup>f</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> )  <b>Otherwise:</b> Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> )
4. ((Hydronic)) Water Economizer using Air-Cooled Heat Rejection Equipment (Dry Cooler)	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C433 <sup>2</sup> )) C403.5 <sup>b</sup>	Efficiency: + ((10/5% <sup>5</sup> )) 5% <sup>d</sup> Economizer: shall not decrease existing economizer capacity	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>
5. Air-Handling Unit (including fan coil units) where the system has an air-cooled chiller	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	Economizer: shall not decrease existing economizer capacity	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> )	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> )
6. Air-Handling Unit (including fan coil units) and Water-cooled Process Equipment, where the system has a water-cooled chiller <sup>10</sup>	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	Economizer: shall not decrease existing economizer capacity	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> and certain ((1991-2004)) 1991-2016 systems(( <sup>9</sup> )) <sup>i</sup> )	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup> (except for certain pre-1991 systems(( <sup>8</sup> )) <sup>h</sup> and certain ((1991-2015)) 1991-2016 systems(( <sup>9</sup> )) <sup>i</sup> )
7. Cooling Tower	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	No requirements	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>	(( <b>Option A</b> )) Efficiency: min. <sup>a</sup> Economizer: C403.5 <sup>b</sup>
8. Air-Cooled Chiller	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	Efficiency: + ((5% <sup>11</sup> )) 10% <sup>k</sup> Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) + 10%(( <sup>12</sup> )) <sup>k1</sup> and (2) multistage Economizer: shall not decrease existing economizer capacity	Efficiency: min.(( <sup>†</sup> )) <sup>a</sup> Economizer: ((C403.3 <sup>2a</sup> )) C403.5 <sup>b</sup>

	Option A	Option B (alternate to A)	Option C (alternate to A)	Option D (alternate to A)
Unit Type	Any alteration with new or replacement equipment	Replacement unit of the same type with the same or smaller output capacity	Replacement unit of the same type with a larger output capacity	New equipment added to existing system or replacement unit of a different type
9. Water-Cooled Chiller	Efficiency: min. <sup>(†)</sup> <sup>a</sup> Economizer: ((C403.3 <sup>2</sup> )) C403.5 <sup>b</sup>	Efficiency (one of two): (1) <u>part load IPLV</u> + ((10% <sup>(†3)</sup> ) 15% <sup>a</sup> or (2) plate frame heat exchanger <sup>(†5)</sup> <sup>a</sup> Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) <u>part load IPLV</u> + 15% <sup>(†4)</sup> <sup>a</sup> and (2) plate-frame heat exchanger <sup>(†5)</sup> <sup>a</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: min. <sup>(†)</sup> <sup>a</sup> Economizer: ((C403.3 <sup>2+4</sup> )) C403.5 <sup>b</sup>
<del>(10. Boiler</del>	Efficiency: min. <sup>†</sup> Economizer: C403.3 <sup>2</sup>	Efficiency: + 8% <sup>†6</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: + 8% <sup>†6</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: min. <sup>†</sup> Economizer: C403.3 <sup>2+4</sup> )

- <sup>(†)</sup> Minimum equipment efficiency shall comply with Section ((C403.2.3)) C403.3.2 and Tables ((C403.2.3)) C403.3.2(1) through ((C403.2.3(10))) <sup>a</sup> C403.3.3.2(12).
- <sup>(2)</sup> ~~((System and building shall comply))~~ All separate new equipment and replacement equipment shall have air economizer complying with Section ((C403.3)) C403.5 (including both the individual unit size limits and the total building capacity limits on units without economizer). It is acceptable to comply using one of the exceptions to Section ((C403.3 or C504.3.4)) C403.5.
- <sup>(2)</sup> All equipment replaced in an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 2 to Section C503.4.
- <sup>4</sup> ~~All separate new equipment added to an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 3 to Section C503.4.)~~
- <sup>e</sup> Reserved.
- <sup>d</sup> Equipment shall have a capacity-weighted average cooling system efficiency that is 5% better than the requirements in Tables C403.3.2(1) and C403.3.2(2) (1.05 x values in Tables C403.3.1(1) and C403.3.2(2)).
- <sup>(5)</sup> Equipment shall have a capacity-weighted average cooling system efficiency(†) that is 10% better than the requirements in Tables C403.3.2(1)A and C403.3.2(2) (1.10 x values in Tables C403.3.1(1)A and C403.3.2(2)).
- <sup>(a.</sup> ~~For units with a cooling capacity below 54,000 Btuh, a minimum of 10% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).~~
- <sup>b.</sup> ~~For units with a cooling capacity of 54,000 Btuh and greater, a minimum of 5% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).)~~
- <sup>(6)</sup> Minimum of 50% air economizer that is ducted in a fully enclosed path directly to every heat pump unit in each zone, except that ducts may terminate within 12 inches of the intake to an HVAC unit provided that they are physically fastened so that the outside air duct is directed into the unit intake. If this is an increase in the amount of outside air supplied to this unit, the outside air supply system shall be configured to provide this additional outside air and equipped with economizer control.
- <sup>(7)</sup> Water-source heat pump systems shall have a flow control valve to eliminate flow through the heat pumps that are not in operation ((with)) and variable speed pumping complying with Section C403.4.2 for that heat pump.
  - When the total capacity of all units with flow control valves exceeds 15% of the total system capacity, a variable frequency drive shall be installed on the main loop pump.
  - As an alternate to this requirement, ((have a)) the capacity-weighted average cooling system efficiency ((that is 5% greater)) shall be 5% better than the requirements in ((note 5)) footnote e for water-source heat pumps (i.e., a minimum of ((15%/10%)) 15% greater than the requirements in Table((s C403.2.3(1) and C403.2.3(2))) C403.3.2(2)).
- <sup>(8)</sup> ~~Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btuh.)~~
- <sup>h</sup> Water economizer equipment shall have a capacity-weighted average cooling system efficiency that is 10% better than the requirements in Tables C403.3.2(8) and C403.3.2(9) (1.10 x values in Tables C403.3.2(8) and C403.3.2(9)).
- <sup>(h)</sup> Air economizer is not required for systems installed with water economizer plate and frame heat exchanger complying with previous codes between 1991 and June 2016, provided that the total fan coil load does not exceed the existing or added capacity of the heat exchangers.
- <sup>(†b)</sup> For water-cooled process equipment where the manufacturers specifications require colder temperatures than available with waterside economizer, that portion of the load is exempt from the economizer requirements.
- <sup>(†c)</sup> The air-cooled chiller shall have an IPLV efficiency that is a minimum of ((5%)) 10% greater than the IPLV requirements in EER in Table ((C403.2.3(7))) C403.3.2(7)(1.10 x IPLV values in EER in Table C403.3.2(7)).
- <sup>(†d)</sup> The air-cooled chiller shall(†) be multistage with a minimum of two compressors.
- <sup>(a.</sup> Have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table C403.2.3(7); and

- b. Be multistage with a minimum of two compressors.
- <sup>(13)</sup>) The water-cooled chiller shall have ~~((an))~~ full load and part load IPLV efficiency that is a minimum of ~~((40%))~~ 5% greater than the IPLV requirements in Table C403.2.3(7).
- <sup>(14)</sup>) The water-cooled chiller shall have an IPLV ~~((efficiency))~~ value that is a minimum of 15% ~~((greater))~~ lower than the IPLV requirements in Table C403.2.3(7) (1.15 x IPLV values in Table C403.3.2(7)). Water-cooled centrifugal chillers designed for nonstandard conditions shall have an NPLV value that is at least 15% lower than the adjusted maximum NPLV rating in kW per ton defined in Section C403.3.2.1 (1.15 x NPLV).
- <sup>(15)</sup>) Economizer cooling shall be provided by adding a plate-frame heat exchanger on the waterside with a capacity that is a minimum of 20% of the chiller capacity at standard AHRI rating conditions.
- <sup>(16)</sup>) ~~The replacement boiler shall have an efficiency that is a minimum of 8% higher than the value in Table C403.2.3(5), except for electric boilers.)~~
- <sup>a</sup> Reserved.
- <sup>a</sup> Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btuh.

**C503.5 Service hot water systems.** New service hot water systems that are part of the alteration shall comply with Section C404.

**C503.6 Lighting, controlled receptacles and motors.** Alterations or the addition of lighting, controlled receptacles and motors shall comply with Sections C503.6.1 through C503.6.6.

**C503.6.1 Luminaire additions and alterations.** Alterations that add or replace 50 percent or more of the luminaires in a space enclosed by walls or ceiling-height partitions, replace 50 percent or more of parking garage luminaires, or replace 50 percent or more of the total installed wattage of exterior luminaires shall comply with Sections C405.4 and C405.5. Where less than 50 percent of the fixtures in an interior space enclosed by walls or ceiling-height partitions or in a parking garage are ~~((new))~~ added or replaced, or less than 50 percent of the installed exterior wattage is ~~((altered))~~ replaced, the installed lighting wattage shall be maintained or reduced.

**C503.6.2 Rewiring and recircuiting.** Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections C405.2.1, C405.2.3, C405.2.4, C405.2.5, C405.2.7~~((, C405.3))~~, and as applicable C408.3. ~~((In addition, office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section C405.2.1 and C408.3.))~~ New lighting control devices shall comply with the requirements of Section C405.2.

**C503.6.3 New or moved lighting panel.** Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with ~~((the other)),~~ in addition to the requirements of Section C503.6.2, all remaining requirements in Sections C405.2 and C408.3.

**C503.6.4 Newly-created rooms.** Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4, C405.2.5 and C408.3.

**C503.6.5 Motors.** Those motors which are altered or replaced shall comply with Section C405.8.

**C503.6.6 Controlled receptacles.** Where electric receptacles are added or replaced, controlled receptacles shall be provided in accordance with Section C405.10.

- EXCEPTIONS:
1. Where an alteration project impacts an area smaller than 5,000 square feet, controlled receptacles are not required.
  2. Where existing systems furniture or partial-height relocatable office cubical partitions are reconfigured or relocated within the same area, controlled receptacles are not required in the existing systems furniture or office cubicle partitions.
  3. Where new or altered receptacles meet the exception to Section C405.10, they are not required to be controlled receptacles or be located within 12 inches of non-controlled receptacles.

**C503.7 Refrigeration systems.** Those parts of systems which are altered or replaced shall comply with Section C410. Additions or alterations shall not be made to an existing refrigerated space or system that will cause the existing mechanical system to become out of compliance. All new refrigerated spaces or systems in existing buildings, including refrigerated display cases, shall comply with Section C410.

**AMENDATORY SECTION** (Amending WSR 19-02-089, filed 1/2/19, effective 7/1/19)

**WAC 51-11C-50500 Section C505—Change of occupancy or use.**

**C505.1 General.** Spaces undergoing a change in occupancy shall be brought up to full compliance with this code in the following cases:

1. Any space that is converted from an F, S or U occupancy to an occupancy other than F, S or U.
2. Any space that is converted to a Group R dwelling unit or portion thereof, from another use or occupancy.
3. Any Group R dwelling unit or portion thereof permitted prior to July 1, 2002, that is converted to a commercial use or occupancy.

~~((Where the use in a space changes from one use in Table C405.4.2 (1) or (2) to another use in Table C405.4.2 (1) or (2), the installed lighting wattage shall comply with Section C405.4.~~



EXCEPTION: Where the component performance alternative in Section C402.1.5 is used to comply with this section, the Proposed Total Envelope UA is allowed to be up to 110 percent of the Allowed Total Envelope UA. Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3.)

A change in occupancy project shall be deemed to comply with this code if the project area alone complies or if the existing building and the project area combined comply with this code as a whole building.

EXCEPTIONS: 1. Where the component performance alternative in Section C402.1.5 is used to demonstrate compliance with this section, the Proposed Total UA is allowed to be up to 110 percent of the Allowable Total UA. This exception may be applied to the project area alone, or to the existing building and project area combined as a whole building.

2. Where total building performance for the whole building is used to demonstrate compliance with this section, the annual carbon emissions from energy consumption of the proposed design is allowed to be 110 percent of the annual carbon emissions from energy consumption allowed by Section C407.3. This exception may be applied to the project area alone, or to the existing building and project area combined as a whole building.

3. Buildings or spaces that were permitted prior to the 2009 WSEC, or were originally permitted as unconditioned, may comply with this section as follows:

3.1. Where the component performance alternative in Section C402.1.5 is used, the Proposed Total UA is allowed to be up to 110 percent of the Allowable Total UA.

3.2. Where total building performance in Section C407 is used, the annual carbon emissions from energy consumption of the proposed design is allowed to be 110 percent of the annual carbon emissions from energy consumption allowed by Section C407.3.

Where the use in a space changes from one use in Table C405.4.2 (1) or (2) to another use in Table C405.4.2 (1) or (2), the installed lighting wattage shall comply with Section C405.4.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40501 Section C405.1—General.**

**C405.1 General ((~~mandatory~~)).** This section covers lighting system controls, the maximum lighting power for interior and exterior applications, electrical energy consumption, vertical and horizontal transportation systems, and minimum efficiencies for motors and transformers.

((EXCEPTION: Dwelling units within commercial buildings shall not be required to comply with Sections C405.2 through C405.6 provided that they comply with Section R404.1.))

Dwelling units within multifamily buildings shall comply with this section. All other dwelling units in dormitory, hotel and other residential occupancies that are not classified

as multifamily residential occupancies shall comply with Section C405.2.5 and with this section or Section C405.4. No less than 90 percent of the permanently installed lighting serving dwelling units or sleeping units shall be provided by lamps with an efficacy of not less than 60 lumens per watt or luminaire with an efficacy of not less than 55 lumens per watt.

Lighting installed in walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with the lighting requirements of Section C410.2.

Transformers, uninterruptable power supplies, motors and electrical power processing equipment in data center systems shall comply with Section 8 of ASHRAE Standard 90.4 in addition to this code.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40502 Section C405.2—Electrical power and lighting systems.**

**C405.2 Lighting controls ((~~mandatory~~)).** Lighting systems shall be provided with controls ((~~as specified in Sections C405.2.1 through C405.2.8~~)) that comply with one of the following:

1. Lighting controls as specified in Sections C405.2.1 through C405.2.8.

2. Luminaire level lighting controls (LLC) and lighting controls as specified in Sections C405.2.1, C405.2.3 and C405.2.5. The LLC luminaire shall be independently configured to:

2.1. Monitor occupant activity to brighten or dim lighting when occupied or unoccupied, respectively.

2.2. Monitor ambient light, both electric and daylight, and brighten or dim artificial light to maintain desired light level.

2.3. For each control strategy, configuration and reconfiguration of performance parameters including: Bright and dim setpoints, timeouts, dimming fade rates, sensor sensitivity adjustments, and wireless zoning configuration.

EXCEPTION: Except for specific application controls required by Section C405.2.5, lighting controls are not required for the following:

1. Areas designated as security or emergency areas that are required to be continuously lighted.

2. ((Interior exit stairways, interior exit ramps, and exit passageways.)) Means of egress illumination serving the exit access that does not exceed 0.02 watts per square foot of building area is exempt from this requirement.

3. Emergency egress lighting that is normally off.

4. Industrial or manufacturing process areas, as may be required for production and safety.

((5. Luminaire level lighting controls that control interior lighting. The LLC luminaire shall be independently configured to:

5.1. Monitor occupant activity to brighten or dim its lighting when occupied or unoccupied, respectively.

5.2. Monitor ambient light (both electric light and daylight) and brighten or dim electric light to maintain desired light level.

5.3. Configuration and reconfiguration of performance parameters, including bright and dim setpoints, time-outs, dimming fade rates, sensor sensitivity adjustments, and wireless zoning configurations, for each control strategy.

5.4. Meet the operational and commissioning requirements of Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4 and C408.)

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405021 Section C405.2.1—Occupant sensor controls.**

**C405.2.1 Occupant sensor controls.** Occupant sensor controls shall be installed to control lights in the following space types:

1. Classrooms/lecture/training rooms.
2. Conference/meeting/multipurpose rooms.
3. Copy/print rooms.
4. Lounges/breakrooms.
5. ~~((Employee lunch and break rooms.))~~ Enclosed offices.
6. ~~((Private offices.))~~ Open plan office areas.
7. Restrooms.
8. Storage rooms.
9. ~~((Janitorial closets.~~ Locker rooms.
10. ~~((+))~~ Other spaces 300 square feet (28 m<sup>2</sup>) or less that are enclosed by floor-to-ceiling height partitions.
11. ~~((+))~~ Warehouse ~~((+))~~ storage areas.
12. Enclosed fire rated stairways.
13. Service corridors.
14. Covered parking areas.

Occupant sensor controls in warehouse storage areas, stairways, corridors, and library stacks, shall comply with Section C405.2.1.1. Occupant sensor controls in open plan office areas shall comply with Section C405.2.1.3. Occupant sensor controls in covered parking areas shall comply with Section C405.2.1.4. Occupant sensor controls for all other spaces shall comply with Section C405.2.1.1.

- EXCEPTIONS:**
1. Corridors in manufacturing facilities.
  2. Digital timer switch controls may be provided in lieu of occupant sensor controls in the following space types in under 300 square feet: Copy/print rooms, storage rooms, and janitorial closets. Digital timer switches shall comply with the following:
    - 2.1. Turn lights on or off with operation of a button, switch or other manual means.
    - 2.2. Automatically turn lights off within 15 minutes of the lights being turned on. The means for setting the time delay shall not be visible on the front of the switch.
    - 2.3. The switch shall provide both audible and visual indication of impending time-out of the switch. Audible and visual indication shall be given at least once within 5 minutes of time-out of the switch. Visual indication shall consist of turning the lights momentarily off, and then back on.

**C405.2.1.1 Occupant sensor control function.** Occupant sensor controls shall comply with all of the following:

1. They shall be configured to automatically turn off lights within ~~((30))~~ 20 minutes of all occupants leaving the space.

2. They shall be manual on or ~~((controlled))~~ configured to automatically turn the lighting on to not more than 50 percent power.

**EXCEPTION:** Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrances areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

3. They shall incorporate a manual control to allow occupants to turn lights off.

**C405.2.1.2 Occupant sensor control function in warehouses**~~((+))~~ In warehouses, the lighting in aiseways and open areas shall be controlled with occupant sensors that automatically reduce lighting power by not less than 50 percent when the areas are unoccupied. The occupancy sensor shall control lighting in each aisleway independently, and shall not control lighting beyond the aisleway being controlled by the sensor), **storage areas and service corridors.** Occupant sensor controls shall be configured to comply with all of the following:

1. Automatically reduce lighting power by not less than 50 percent within 20 minutes of all occupants leaving the area.

2. Control lighting in each aisleway and corridor independently, and shall not control lighting beyond the aisleway or corridor being controlled by the sensor.

3. Automatically turn lighting off within 20 minutes of all occupants leaving the space, or comply with Section C405.2.2 to turn lighting off when the building is vacant.

4. Restore lighting to full power when occupants enter the space.

**C405.2.1.3 Occupant sensor control function in open plan office areas.** Occupant sensor controls in open plan office spaces less than 300 square feet (28 m<sup>2</sup>) in area shall comply with Section C405.2.1.1. Occupant sensor controls in all other open plan office spaces shall be configured to comply with all of the following:

1. General lighting is controlled separately in control zones with floor areas not greater than 600 square feet (55 m<sup>2</sup>) within the open plan office space.

2. Automatically turn off general lighting in all control zones within 20 minutes after all occupants have left the open plan office space.

3. General lighting power in each control zone is reduced by not less than 80 percent of the full zone general lighting power within 20 minutes of all occupants leaving that control zone. Control functions that switch control zone lights completely off when the zone is unoccupied meet this requirement.

4. Daylight responsive control activate open plan office space general lighting or control zone general lighting only when occupancy for the same area is detected.

**C405.2.1.4 Occupant sensor control function in parking garages.** Occupant sensor controls shall be configured to comply with all of the following:

1. Lighting power of each luminaire shall be automatically reduced by a minimum of 30 percent when there is no vehicle or pedestrian activity detected within a lighting zone for 20 minutes. Lighting zones for this requirement shall be no larger than 3,600 square feet.

**Exceptions:**

1.1. Lighting in daylight transition zones and ramps without parking.

1.2. Covered parking garages with a total lighting power less than 0.07 watts per square foot.

2. Automatically turn all the lighting off within 20 minutes of all occupants leaving the space and restore lighting to full power when occupants enter the space, or comply with Section C405.2.2 to turn lighting off when the building is vacant.

**C405.2.1.5 Occupant sensor control function in enclosed fire rated stairways.** Occupant sensor controls shall be configured to automatically reduce lighting power by not less than 50 percent when no occupants have been detected in the stairway for a period not exceeding 20 minutes and restore lighting to full power when occupants enter the stairway. All portions of stairways shall remain illuminated to meet the requirements of Section 1009 of the *International Building Code* when the lighting power is reduced.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405022 Section C405.2.2—Time switch controls.**

**C405.2.2 Time switch controls.** Each area of the building that is not provided with *occupant sensor controls* (~~(complying with Section C405.2.1.1)~~) or digital timer switch controls complying with Section ~~((C405.2.6))~~ C405.2.1 shall be provided with time switch controls complying with Section C405.2.2.1.

EXCEPTION: Where a manual control provides light reduction in accordance with Section ~~((C405.2.2.2, automatic))~~ C405.2.3.1, time switch controls shall not be required for the following:

1. ~~((Sleeping units.~~
- 2.)) Spaces where patient care is directly provided.
- ~~((3.))~~ 2. Spaces where an automatic shutoff would endanger occupant safety or security.
- ~~((4.))~~ 3. Lighting intended for continuous operation.
- ~~((5.))~~ 4. Shop and laboratory classrooms.

**C405.2.2.1 Time switch control function.** Each space provided with time switch controls shall also be provided with a manual control for light reduction in accordance with Section ~~((C405.2.2.2))~~ C405.2.3.1. Time switch controls shall comply with the following:

1. Have a minimum 7 day clock.
2. Be capable of being set for 7 different day types per week.
3. Incorporate an automatic holiday "shut-off" feature, which turns off all controlled lighting loads for at least 24 hours and then resumes normally scheduled operations.

4. Have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

5. Include an override switching device that complies with the following:

5.1. The override switch shall be a manual control.

5.2. The override switch, when initiated, shall permit the controlled lighting to remain on for not more than 2 hours.

5.3. Any individual override switch shall control the lighting for an area not larger than 5,000 square feet (465 m<sup>2</sup>).

**6. Time switch controls are allowed to automatically turn on lighting to full power in corridors, lobbies, restrooms, storage rooms less than 50 square feet, and medical areas of health care facilities. In all other spaces, time switch controls are allowed to automatically turn on the lighting to not more than 50 percent power.**

EXCEPTIONS:

1. Within ~~((malls, arcades, auditoriums, single tenant retail spaces, industrial facilities and arenas))~~ mall concourses, auditoriums, sales areas, manufacturing facilities and sports arenas:
  - 1.1. The time limit shall be permitted to be greater than 2 hours provided the ~~((override))~~ switch is a captive key device.
  - 1.2. The area controlled by the override switch ~~((is permitted to be greater than))~~ shall not be limited to 5,000 square feet (465 m<sup>2</sup>), ~~((but shall not be greater))~~ provided that such area is less than 20,000 square feet (1860 m<sup>2</sup>). ~~((2. Where provided with manual control, the following areas are not required to have light reduction control:~~
    - 2.1. Spaces that have only one luminaire with a rated power of less than 100 watts.
    - 2.2. Spaces that use less than 0.6 watts per square foot (6.5 W/m<sup>2</sup>).
    - 2.3. Corridors, equipment rooms, public lobbies, electrical or mechanical rooms.

**C405.2.2.2 Light reduction controls.** Spaces required to have light reduction controls shall have a manual control that allows the occupant to reduce the connected lighting load in a reasonably uniform illumination pattern by at least 50 percent. Lighting reductions shall be achieved by one of the following *approved* methods:

1. Controlling all lamps or luminaires.
2. Dual switching of alternate rows of luminaires, alternate luminaires or alternate lamps.
3. Switching the middle lamp luminaires independently of the outer lamps.
4. Switching each luminaire or each lamp.

EXCEPTION: Light reduction controls are not required in daylight zones with *daylight responsive controls* complying with Section C405.2.4.))

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405023 Section C405.2.3—Manual controls.**

**C405.2.3 Manual controls.** All lighting shall have manual controls ~~((for lights shall comply))~~ complying with the following:

1. They shall be (~~(readily accessible)~~) in a location with ready access to occupants.

2. They shall be located where the controlled lights are visible, or shall identify the area served by the lights and indicate their status.

3. Each control device shall control an area no larger than a single room, or 2,500 square feet if the room area is less than or equal to 10,000 square feet, or 10,000 square feet if the room area is greater than 10,000 square feet.

**EXCEPTIONS:**

1. A manual control may be installed in a remote location for the purpose of safety or security provided each remote control device has an indicator pilot light as part of or next to the control device and the light is clearly labeled to identify the controlled lighting.
2. Restrooms.

**C405.2.3.1 Light reduction controls.** Manual controls shall be configured to provide light reduction control that allows the occupant to reduce the connected lighting load between 30 and 70 percent. Lighting reductions shall be achieved by one of the following approved methods:

1. Controlling all lamps or luminaires.
2. Dual switching of alternate rows of luminaires, alternate luminaires or alternate lamps.
3. Switching the middle lamp luminaires independently of the outer lamps.
4. Switching each luminaire or each lamp.

**EXCEPTIONS:**

1. Light reduction controls are not required in daylight zones with daylight responsive controls complying with Section C405.2.4.
2. Where provided with manual control, the following areas are not required to have light reduction control:
  - 2.1. Spaces that have only one luminaire with a rated power of less than 100 watts.
  - 2.2. Spaces that use less than 0.6 watts per square foot (6.5 W/m<sup>2</sup>).
  - 2.3. Lighting in corridors, lobbies, electrical rooms, restrooms, storage rooms, airport concourse baggage areas, dwelling and sleeping rooms, and mechanical rooms.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405024 Section C405.2.4—Daylight responsive controls.**

**C405.2.4 Daylight responsive controls.** *Daylight responsive controls* complying with Section C405.2.4.1 shall be provided to control the lighting within *daylight zones* in the following spaces:

1. (~~(Sidelight daylight)~~) *Sidelit* zones as defined in Section C405.2.4.2 with more than two *general lighting* fixtures within the combined primary and secondary (~~(sidelight daylight)~~) *sidelit* zones.
2. (~~(Toplight daylight)~~) *Toplit* zones as defined in Section C405.2.4.3 with more than two general lighting fixtures within the daylight zone.

**EXCEPTION:** *Daylight responsive controls* are not required for the following:

1. Spaces in health care facilities where patient care is directly provided.
2. (~~(Dwelling units and sleeping units.~~
- 3.)) Lighting that is required to have specific application control in accordance with Section C405.2.4.
- (~~(4. Sidelight daylight)~~) 3. *Sidelit* zones on the first floor above grade in Group A-2 and Group M occupancies.
- (~~(5.))~~ 4. Daylight zones where the total proposed lighting power density is less than 35 percent of the lighting power allowance per Section C405.4.2.

**C405.2.4.1 Daylight responsive controls function.** Where required, daylight responsive controls shall be provided within each space for control of lights in that space and shall comply with all of the following:

1. Lights in primary (~~(sidelight daylight)~~) *sidelit* zones shall be controlled independently of lights in secondary (~~(sidelight daylight)~~) *sidelit* zones in accordance with Section C405.2.4.2.

**EXCEPTION:** Spaces enclosed by walls or ceiling height partitions with no more than three general lighting fixtures may have combined daylight zone control of primary and secondary daylight zones provided *uniform illumination* can be achieved.

2. Lights in (~~(toplight daylight)~~) *toplit* zones in accordance with Section C405.2.4.3 shall be controlled independently of lights in (~~(sidelight daylight)~~) *sidelit* zones in accordance with Section C405.2.4.2.

3. *Daylight responsive controls* within each space shall be configured so that they can be calibrated from within that space by authorized personnel.

4. Calibration mechanisms shall be (~~(readily accessible)~~) in a location with ready access.

5. *Daylight responsive controls* shall be configured to completely shut off all controlled lights in that zone.

6. Lights in (~~(sidelight daylight)~~) *sidelit* zones in accordance with Section C405.2.4.2 facing different cardinal orientations (i.e., within 45 degrees of due north, east, south, west) shall be controlled independently of each other.

**EXCEPTION:** Up to two light fixtures in each space are permitted to be controlled together with lighting in a daylight zone facing a different cardinal orientation.

7. Incorporate time-delay circuits to prevent cycling of light level changes of less than three minutes.

8. The maximum area a single *daylight responsive control* device serves shall not exceed 2,500 square feet (232 m<sup>2</sup>).

9. Occupant override capability of daylight dimming controls is not permitted, other than a reduction of light output from the level established by the daylighting controls.

**C405.2.4.1.1 Dimming.** *Daylight responsive controls* shall be configured to automatically reduce the power of *general lighting* in the daylight zone in response to available daylight, while maintaining *uniform illumination* in the space through one of the following methods:

1. Continuous dimming using dimming ballasts/dimming drivers and daylight-sensing controls. The system shall reduce lighting power continuously to less than 15 percent of rated power at maximum light output.

2. Stepped dimming using multi-level switching and daylight-sensing controls. The system shall provide a mini-

num of two steps of uniform illumination between 0 percent and 100 percent of rated power at maximum light output. Each step shall be in equal increments of power, plus or minus 10 percent.

General lighting within daylight zones in offices, classrooms, laboratories and library reading rooms shall use the continuous dimming method. Stepped dimming is not allowed as a method of daylight zone control in these spaces.

**C405.2.4.2 ((Sidelight daylight)) Sidelit zone.** The ((sidelight daylight)) *sidelit zone* is the floor area adjacent to vertical fenestration which complies with the following:

1. Where the *fenestration* is located in a wall, the ((sidelight daylight)) *sidelit zone* includes the primary and secondary daylight zones. The primary daylight zone shall extend laterally to the nearest full height wall, or up to 1.0 times the height from the floor to the top of the *fenestration*, and longitudinally from the edge of the fenestration to the nearest full height wall, or up to 2 feet (610 mm), whichever is less, as indicated in Figure C405.2.4.2(1). The secondary daylight zone begins at the edge of the primary daylight zone and extends laterally to the nearest full height wall, or up to 2.0 times the height from the floor to the top of the fenestration, whichever is less, as indicated in Figure C405.2.4.2(1).

2. ((Where the *fenestration* is located in a rooftop monitor, the *sidelight daylight zone* shall extend laterally to the nearest obstruction that is taller than 0.7 times the ceiling height, or up to 1.0 times the height from the floor to the bottom of the *fenestration*, whichever is less, and longitudinally from the edge of the *fenestration* to the nearest obstruction that is taller than 0.7 times the ceiling height, or up to 0.25 times the height from the floor to the bottom of the *fenestration*, whichever is less, as indicated in Figures C405.2.4.2(2) and C405.2.4.2(3).

3.)) Where *clerestory fenestration* is located in a wall, the ((sidelight daylight)) *sidelit zone* includes a lateral area twice the depth of the clerestory fenestration height, projected upon the floor at a 45 degree angle from the center of the clerestory fenestration. The longitudinal width of the ((daylight)) *sidelit zone* is calculated the same as for fenestration located in a wall. Where the 45 degree angle is interrupted by an obstruction greater than 0.7 times the ceiling height, the ((daylight)) *sidelit zone* shall remain the same lateral area but be located between the clerestory and the obstruction, as indicated in Figure C405.2.4.2((4)) (2).

((4.)) 3. If the rough opening area of a vertical fenestration assembly is less than 10 percent of the calculated primary ((daylight)) *sidelit zone* area for this fenestration, it does not qualify as a ((daylight)) *sidelit zone*.

((5. Where located in existing buildings,)) 4. The visible transmittance of the fenestration is no less than 0.20.

((6.)) 5. In parking garages with floor area adjacent to perimeter wall openings, the ((daylight)) *sidelit zone* shall include the area within 20 feet of any portion of a perimeter wall that has a net opening to wall ratio of at least 40 percent.

**Figure C405.2.4.2(1)**  
**((Daylight)) Sidelit Zone Adjacent to Fenestration in a Wall**

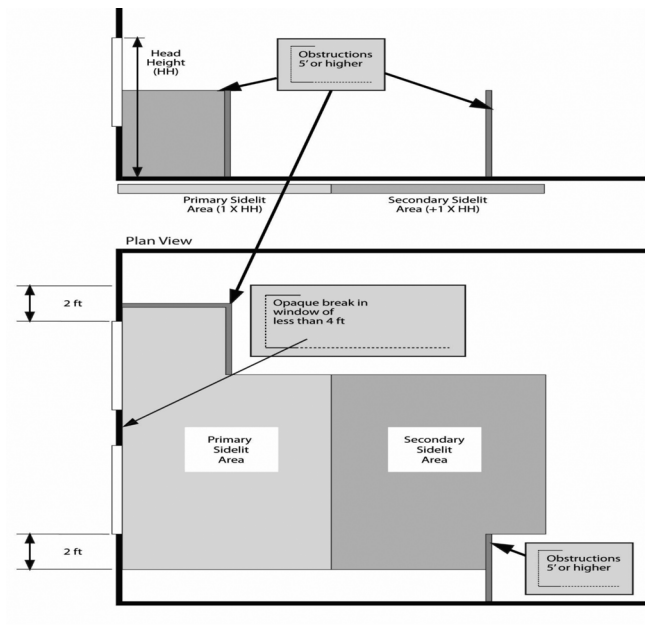
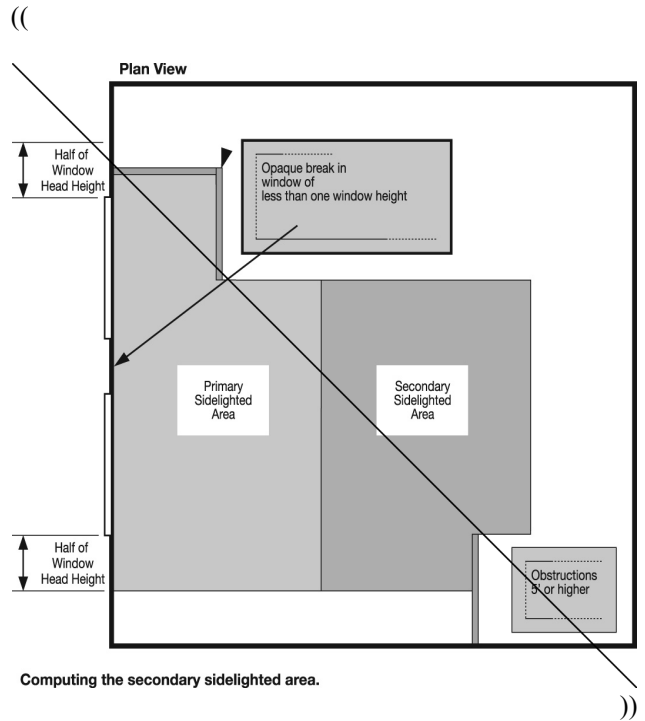


Figure C405.2.4.2(2)  
~~((Daylight Zone Under a Rooftop Monitor~~

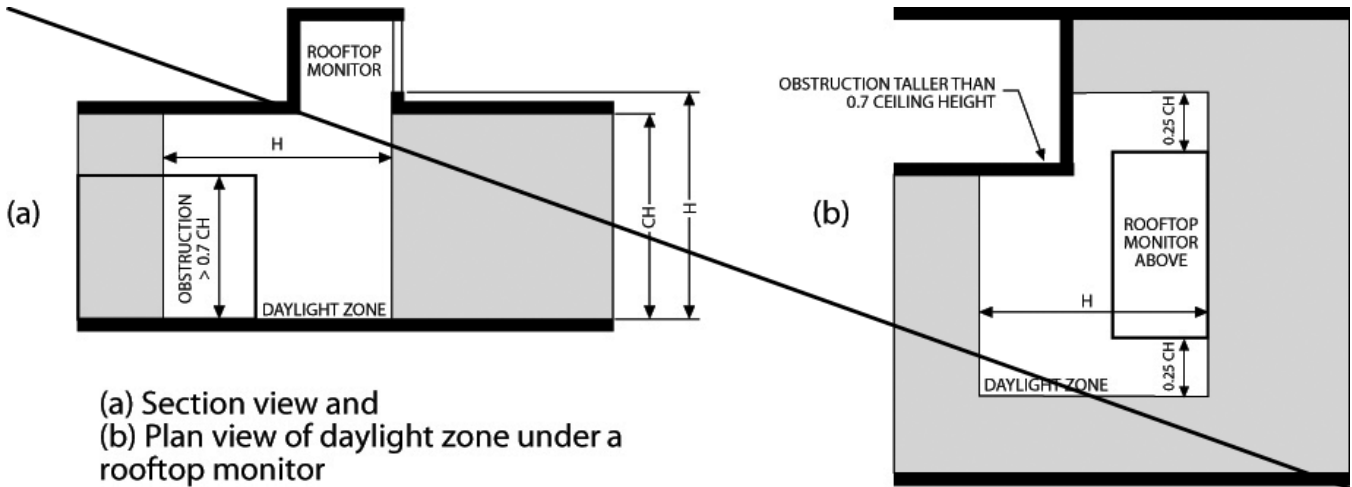
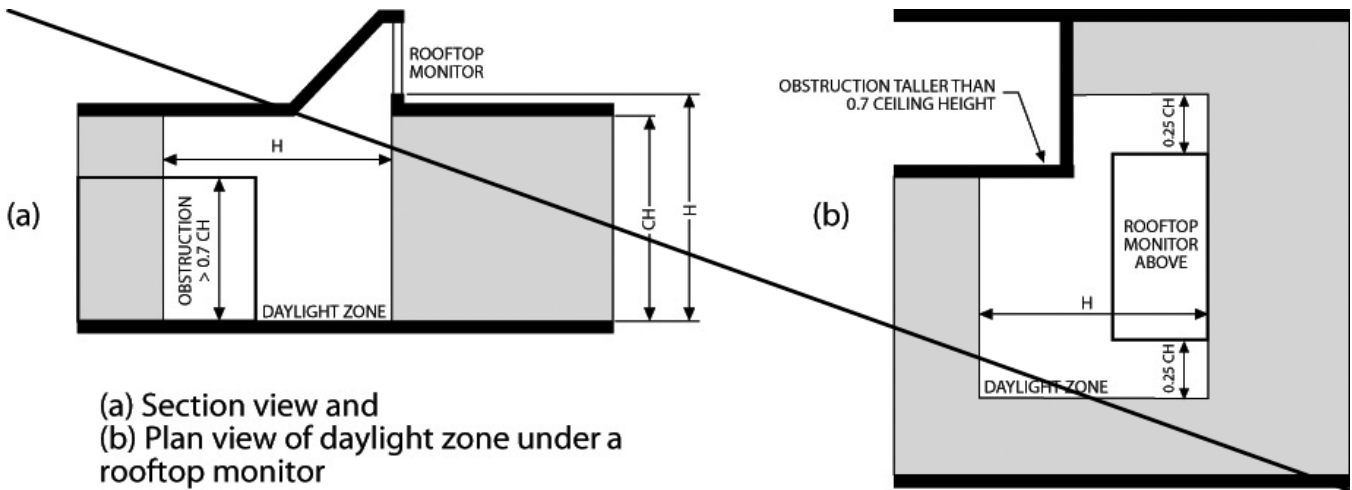
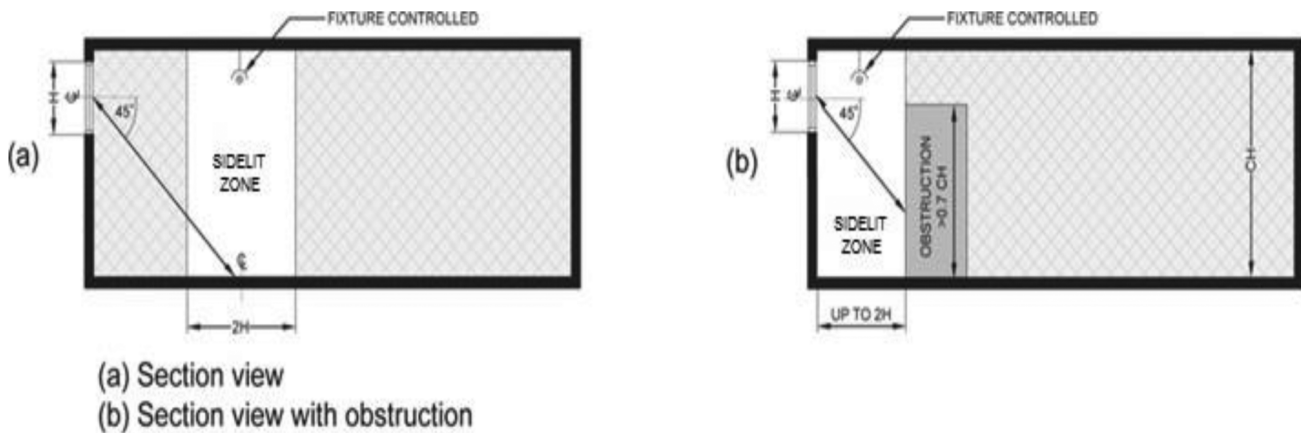
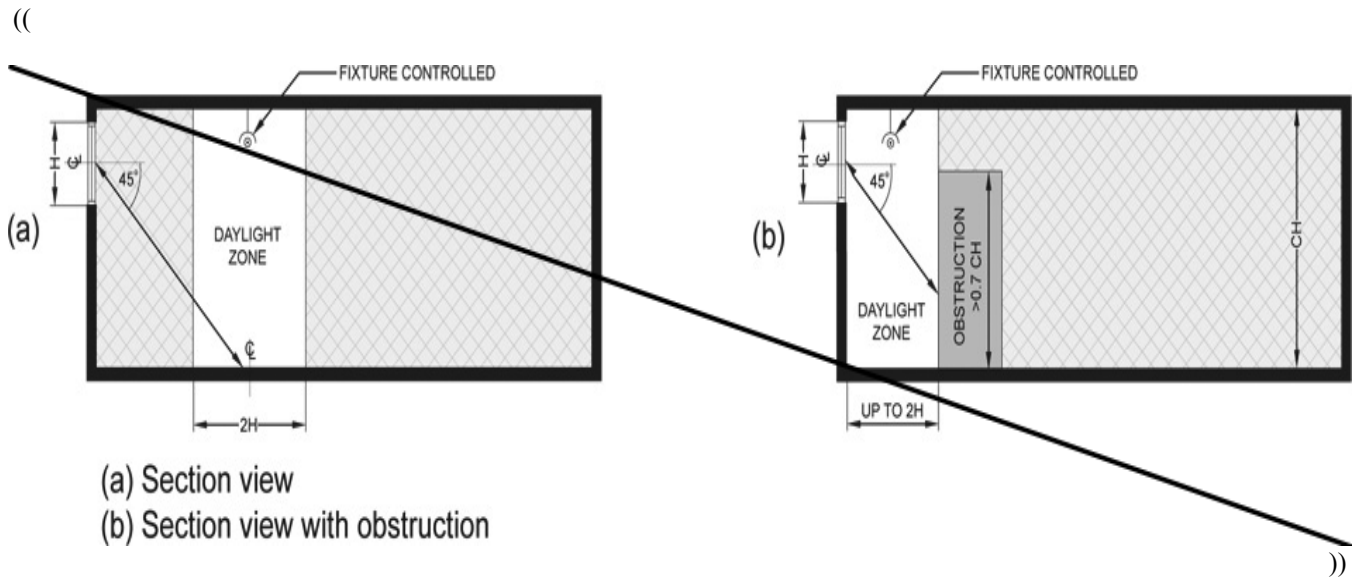


Figure C405.2.4.2(3)  
~~Daylight Zone Under a Sloped Rooftop Monitor~~



**Figure C405.2.4.2(4)**  
**Daylight)) Sidelit Zone Adjacent to Clerestory Fenestration in a Wall**



**C405.2.4.3 ((Toplight daylight)) Toplit zone.** The ((toplight daylight)) *toplit zone* is the floor area underneath a roof fenestration assembly which complies with the following:

1. The ((toplight daylight)) *toplit zone* shall extend laterally and longitudinally beyond the edge of the roof fenestration assembly to the nearest obstruction that is taller than 0.7 times the ceiling height, or up to 0.7 times the ceiling height, whichever is less, as indicated in Figure C405.2.4.3(1).

2. Where the fenestration is located in a rooftop monitor, the *toplit zone* shall extend laterally to the nearest obstruction that is taller than 0.7 times the ceiling height, or up to 1.0 times the height from the floor to the bottom of the fenestration, whichever is less, and longitudinally from the edge of the fenestration to the nearest obstruction that is taller than 0.7 times the ceiling height, or up to 0.25 times the height from the floor to the bottom of the fenestration, whichever is less, as indicated in Figures C405.2.4.3(2) and C405.2.4.3(3).

3. Where ((toplight daylight)) *toplit zones* overlap with ((sidelight daylight)) *sidelit zones*, lights within the overlap-

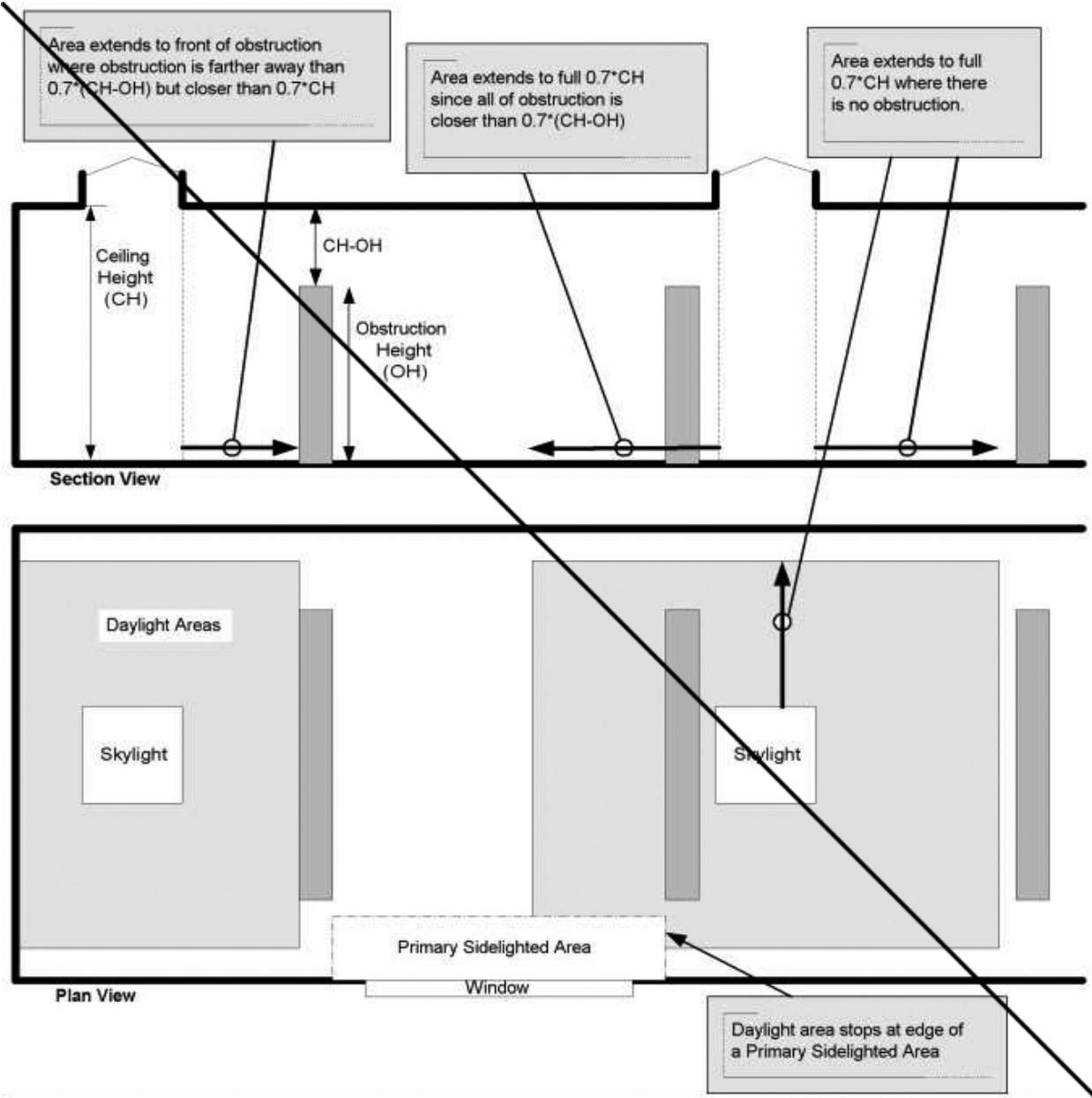
ping area shall be assigned to the ((toplight daylight)) *toplit zone*.

~~(3. Where located in existing buildings.)~~ 4. The product of the *visible transmittance* of the roof fenestration assembly and the area of the rough opening of the roof fenestration assembly, divided by the area of the ((daylight)) *toplit zone* is no less than 0.008.

~~(4.)~~ 5. Where located under atrium fenestration, the ((daylight)) *toplit zone* shall include the bottom floor area directly beneath the atrium fenestration, and the top floor directly under the atrium fenestration, as indicated in Figure C405.2.4.3((2)) (4). The ((daylight)) *toplit zone* area at the top floor is calculated the same as for a ((toplight daylight)) *toplit zone*. Intermediate levels below the top floor that are not directly beneath the atrium are not included.

Figure C405.2.4.3(1)  
((Daylight)) Toplit Zone Under a Rooftop Fenestration Assembly

((



)



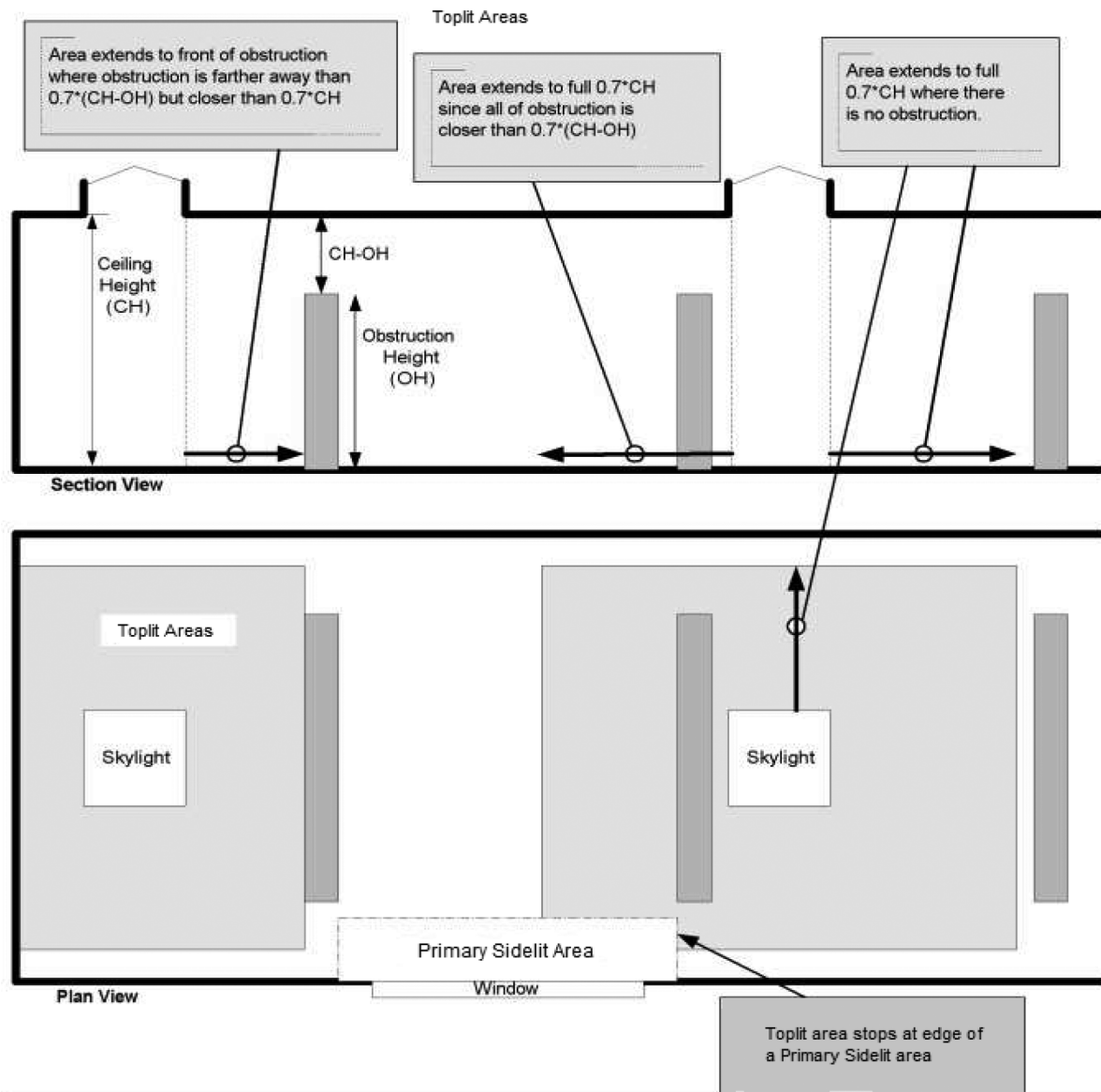


Figure C405.2.4.3(2)  
Toplit Zone Under a Rooftop Monitor

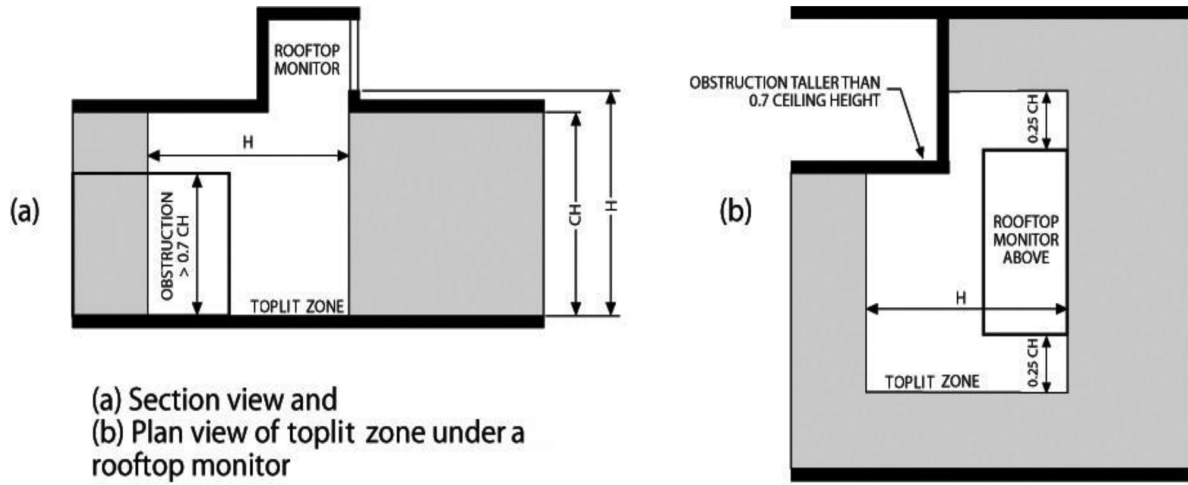
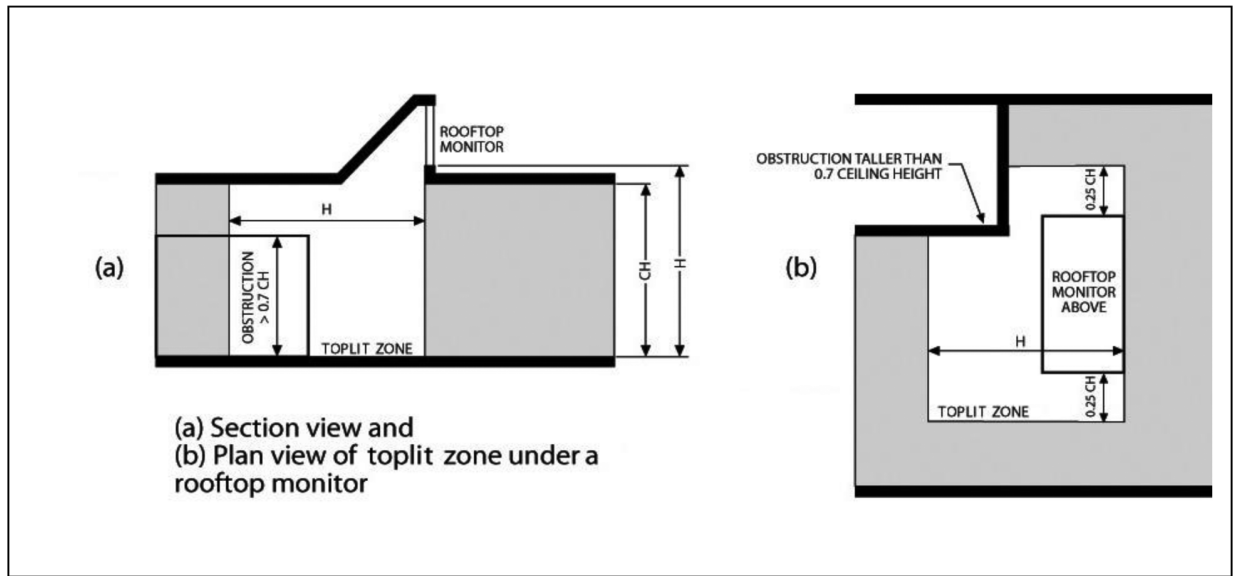
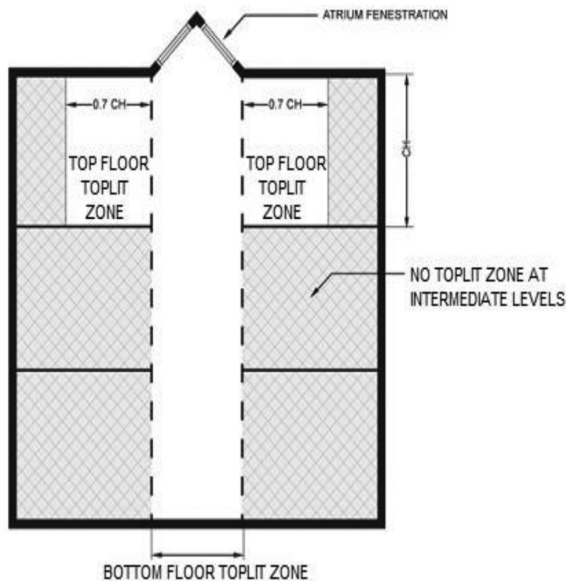
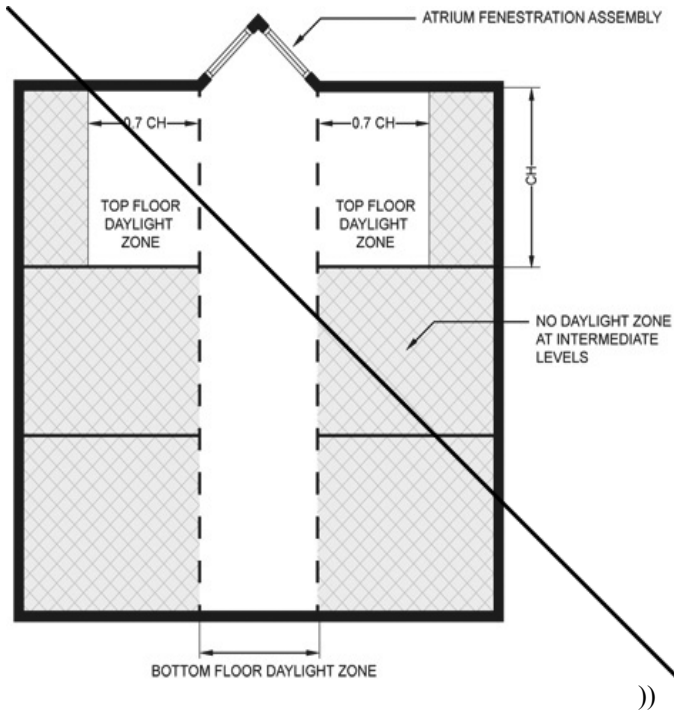


Figure C405.2.4.3(3)  
Toplit Zone Under a Sloped Rooftop Monitor



**Figure C405.2.4.3((2)) (4)**  
**((Daylight)) Toplit Zone Under Atrium Fenestration**



**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405025 Section C405.2.5—Additional lighting controls.**

**C405.2.5 Additional lighting controls.** Specific application lighting shall be provided with controls, in addition to controls required by other sections, for the following:

1. ~~((Display and accent light shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.~~

2. ~~Lighting in cases used for display case purposes shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.~~

3. ~~Hotel and motel sleeping units and guest suites)) The following lighting shall be controlled by an occupant sensor complying with Section C405.2.1.1 or a time switch control complying with Section C405.2.2.1. In addition, a manual control shall be provided to control such lighting separately from the general lighting in the space:~~

1.1. Display and accent.

1.2. Lighting in display cases.

1.3. Supplemental task lighting, including permanently installed under-shelf or under-cabinet lighting.

1.4. Lighting equipment that is for sale or demonstration in lighting education.

2. Sleeping units shall have control device(s) or systems configured to automatically switch off all permanently installed luminaires and switched receptacles within 20 minutes after all occupants ~~((leave the room))~~ have left the unit.

EXCEPTIONS: 1. Lighting and switched receptacles controlled by ((eap- tive key systems)) card key controls.

2. Spaces where patient care is directly provided.

~~((4. Supplemental task lighting, including permanently installed under-shelf or under-cabinet lighting, shall be automatically shut off whenever that space is unoccupied and shall have a control device integral to the luminaires or be controlled by a wall-mounted control device provided that the control device is readily accessible.~~

5.)) 3. Permanently installed luminaires within dwelling units shall be provided with controls complying with either Section C405.2.1.1 or C405.2.2.2.

4. Lighting for nonvisual applications, such as plant growth and food warming, shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space. Each control zone shall be no greater than the area served by a single luminaire or 4,000 square feet, whichever is larger.

~~((6. Lighting equipment that is for sale or for demonstrations in lighting education shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.~~

7.)) 5. Luminaires serving the exit access and providing means of egress illumination required by Section 1006.1 of the International Building Code, including luminaires that function as both normal and emergency means of egress illumination shall be controlled by a combination of listed emergency relay and occupancy sensors, or signal from another building control system, that automatically shuts off the lighting when the areas served by that illumination are unoccupied.

EXCEPTION: Means of egress illumination serving the exit access that does not exceed 0.02 watts per square foot of building area is exempt from this requirement.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405026 Section C405.2.6—(~~Digital timer switch~~) Exterior lighting controls.**

~~((C405.2.6 Digital timer switch controls. For each of the following space types, when under 300 square feet, digital timer switch controls may be provided in lieu of occupancy sensor controls:~~

1. Copy/print rooms.
2. Storage rooms.
3. Janitorial closets.

~~**C405.2.6.1 Digital timer switch function.** Digital timer switches shall comply with the following:~~

1. Turn lights on or off with operation of a button, switch or other manual means.
2. Automatically turn lights off within 15 minutes of the lights being turned on. The means for setting the time delay shall not be visible on the front of the switch.
3. The switch shall provide both audible and visual indication of impending time-out of the switch. Audible and visual indication shall be given at least once within five minutes of time-out of the switch. Visual indication shall consist of turning the lights momentarily off, and then back on.))

~~**C405.2.6 Exterior lighting controls.** Exterior lighting systems shall be provided with controls that comply with Sections C405.2.6.1 through C405.2.6.4. Decorative lighting systems shall comply with Sections C405.2.6.1, C405.2.6.2, and C405.2.6.4.~~

EXCEPTIONS:

1. Lighting for covered vehicle entrances or exits from buildings or parking structures where required for safety, security or eye adaption.
2. Lighting controlled from within dwelling units.

~~**C405.2.6.1 Daylight shutoff.** Lights shall be configured to automatically turn off when daylight is present and satisfies the lighting needs.~~

~~**C405.2.6.2 Façade and landscape lighting shutoff.** Building façade and landscaping lighting shall be configured to automatically shutoff for a minimum of 6 hours per night or from not later than 1 hour after business closing to not earlier than 1 hour before business opening, whichever is less.~~

EXCEPTION: Areas where an automatic shutoff would endanger safety or security.

~~**C405.2.6.3 Lighting setback.** Lighting that is not controlled in accordance with Section C405.2.6.2 shall be controlled so that the total wattage of such lighting is automatically reduced by not less than 30 percent by selectively switching off or dimming luminaires at one of the following times:~~

1. From not later than 12 midnight to 6 a.m.
2. From not later than 1 hour after business closing to not earlier than 1 hour before business opening.
3. During any period when no activity has been detected for 15 minutes or more.

~~**C405.2.6.4 Exterior time-switch control functions.** Time-switch controls for exterior lighting shall comply with the following:~~

1. They shall have a clock capable of being programmed for not fewer than 7 days.

2. They shall be capable of being set for 7 different day types per week.

3. They shall incorporate an automatic holiday setback feature.

4. They shall have program backup capabilities that prevent the loss of program and time settings for a period of at least 10 hours in the event that power is interrupted.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405027 ((Section C405.2.7—Exterior lighting controls.)) Reserved.**

~~((C405.2.7 Exterior lighting controls. Lighting for exterior applications other than emergency lighting that is intended to be automatically off during building operation, lighting specifically required to meet health and life safety requirements or decorative gas lighting systems shall:~~

1. Be provided with a control that automatically turns off the lighting as a function of available daylight.

2. Where lighting the building façade or landscape, the lighting shall have controls that automatically shut off the lighting as a function of dawn/dusk and a set opening and closing time.

3. Where not covered in Item 2, the lighting shall have controls configured to automatically reduce the connected lighting power by at least 30 percent from no later than 12 midnight to 6 a.m. or from one hour after business closing to one hour before business opening or during any period when no activity has been detected for a time of no longer than 15 minutes.

Time switches shall be capable of retaining programming and the time setting for at least 10 hours without power.

EXCEPTION: Lighting for covered vehicle entrances or exits from buildings or parking structures where required for safety, security or eye adaption.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405028 Section C405.2.8—Area controls.**

~~**C405.2.8 Area controls.** The maximum lighting power that may be controlled from a single switch or automatic control device shall not exceed that which is provided by a 20 ampere circuit loaded to not more than 80 percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.~~

EXCEPTION: Areas less than 5 percent of the building footprint for footprints over 100,000 ft<sup>2</sup>.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40504 ((Section C405.3—Exit signs.)) Reserved.**

~~((C405.3 Exit signs (mandatory). Internally illuminated exit signs shall not exceed 5 watts per side.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40505 Section C405.4—Interior lighting power requirements.**

**C405.4 Interior lighting power requirements ~~((prescriptive))~~.** A building complies with this section if its total connected interior lighting power calculated under Section C405.4.1 is no greater than the interior lighting power allowance calculated under Section C405.4.2.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405051 Section C405.4.1—Total connected interior lighting power.**

**C405.4.1 Total connected interior lighting power.** The total connected interior lighting power shall be determined in accordance with Equation 4-10.

$$TCLP = \frac{((SL + LV + LTPB)) LVL + BLL + TRK + POE + \text{Other}}{\text{Other}}$$

(Equation 4-10)

Where:

TCLP = Total connected lighting power (watts).

~~((SL = Labeled wattage of luminaires for screw-in lamps.~~

~~LV = Wattage of the transformer supplying low-voltage lighting.~~

~~LTPB = Wattage of line-voltage lighting tracks and plug-in busways as the specified wattage of the luminaires but at least 50 W/lin. ft., or the wattage limit of the system's circuit breaker, or the wattage limit of other permanent current limiting devices on the system.)) LVL = For luminaires with lamps connected directly to building power, such as line voltage lamps, the rated wattage of the lamp, which must be minimum 60 lumens/watt.~~

BLL = For luminaires incorporating a ballast or transformer, the rated input wattage of the ballast or transformer when operating the lamp.

TRK = For lighting track, cable conductor, rail conductor and plug-in busway systems that allow the addition and relocation of luminaires without rewiring. The wattage shall be one of the following:

1. The specified wattage of the luminaires, but not less than 16 W/lin. ft. (52 W/lin. m).

2. The wattage limit of the permanent current limiting devices protecting the system.

3. The wattage limit of the transformer supplying the system.

POE = For other modular lighting systems served with power supplied by a driver, power supply for transformer including, but not limited to, low-voltage lighting systems, the wattage of the system shall be the maximum rated input wattage of the driver, power supply or transformer published in the manufacturer's catalogs, as specified by UL 2108 or 8750. For power-over-Ethernet lighting systems, power pro-

vided to installed nonlighting devices may be subtracted from the total power rating of the power-over-Ethernet systems.

Other = The wattage of all other luminaires and lighting sources not covered above and associated with interior lighting verified by data supplied by the manufacturer or other approved sources.

- ((EXCEPTIONS: 1. The connected power associated with the following lighting equipment is not included in calculating total connected lighting power:
- 1.1. Professional sports arena playing field lighting.
  - 1.2. Emergency lighting automatically off during normal building operation.
  - 1.3. Lighting in spaces specifically designed for use by occupants with special lighting needs including the visually impaired and other medical and age-related issues.
  - 1.4. Casino gaming areas.
  - 1.5. General area lighting power in industrial and manufacturing occupancies dedicated to the inspection or quality control of goods and products.
  - 1.6. Lighting in sleeping units, provided that the lighting complies with Section R404.1.
  - 1.7. Mirror lighting in dressing rooms.
2. Lighting equipment used for the following shall be exempt provided that it is in addition to general lighting and is controlled by an independent control device:
- 2.1. Task lighting for medical and dental purposes.
  - 2.2. Display lighting for exhibits in galleries, museums and monuments.
  3. Lighting for theatrical purposes, including performance, stage, film production and video production.
  4. Lighting for photographic processes.
  5. Lighting integral to equipment or instrumentation and is installed by the manufacturer.
  6. Task lighting for plant growth or maintenance where the lamp efficacy is not less than 90 lumens per watt.
  7. Advertising signage or directional signage.
  8. In restaurant buildings and areas, lighting for food warming or integral to food preparation equipment.
  9. Lighting equipment that is for sale.
  10. Lighting demonstration equipment in lighting education facilities.
  11. Lighting approved because of safety or emergency considerations, inclusive of exit lights.
  12. Lighting integral to both open and glass-enclosed refrigerator and freezer cases.
  13. Lighting in retail display windows, provided the display area is enclosed by ceiling-height partitions.
  14. Furniture mounted supplemental task lighting that is controlled by automatic shutoff.
  15. Lighting used for aircraft painting.))

The connected power associated with the following lighting equipment is not included in calculating total connected lighting power.

1. Television broadcast lighting for playing areas in sports arenas.

2. Emergency lighting automatically off during normal building operation.

3. Lighting in spaces specifically designed for use by occupants with special lighting needs including those with visual impairment and other medical and age-related issues.

- 4. Casino gaming areas.
- 5. General area lighting power in industrial and manufacturing occupancies dedicated to the inspection or quality control of goods and products.
- 6. Mirror lighting in dressing rooms.
- 7. Task lighting for medical and dental purposes that is in addition to general lighting and controlled by an independent control device.
- 8. Display lighting for exhibits in galleries, museums and monuments that is in addition to general lighting and controlled by an independent control device.
- 9. Lighting for theatrical purposes, including performance, stage, film production and video production.
- 10. Lighting for photographic processes.
- 11. Lighting integral to equipment or instrumentation and installed by the manufacturer.
- 12. Task lighting for plant growth or maintenance where the lamp efficacy is not less than 90 lumens per watt.
- 13. Advertising signage or directional signage.
- 14. Lighting for food warming.
- 15. Lighting equipment that is for sale.
- 16. Lighting demonstration equipment in lighting education facilities.
- 17. Lighting approved because of safety considerations.
- 18. Lighting in retail display windows, provided the display area is enclosed by ceiling-height partitions.
- 19. Furniture mounted supplemental task lighting that is controlled by automatic shutoff.
- 20. Exit signs.
- 21. Lighting used for aircraft painting.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405052 Section C405.4.2—Interior lighting power requirements.**

**C405.4.2 Interior lighting power allowance.** The total interior lighting power allowance (watts) is determined according to Table C405.4.2(1) using the Building Area Method, or Table C405.4.2(2) using the Space-by-Space Method, for all areas of the building covered in this permit.

**C405.4.2.1 Building area method.** For the Building Area Method, the interior lighting power allowance is the floor area for each building area type listed in Table C405.4.2(1) times the value from Table C405.4.2(1) for that area. For the purposes of this method, an "area" shall be defined as all contiguous spaces that accommodate or are associated with a single building area type as listed in Table C405.4.2(1). Where this method is used to calculate the total interior lighting power for an entire building, each building area type shall be treated as a separate area.

**C405.4.2.2 Space-by-Space Method.** For the Space-by-Space Method, the interior lighting power allowance is determined by multiplying the floor area of each space times the value for the space type in Table C405.4.2(2) that most closely represents the proposed use of the space, and then

summing the lighting power allowances for all spaces. Tradeoffs among spaces are permitted.

Each area enclosed by partitions that are 80 percent of the ceiling height or taller shall be considered a separate space and assigned the appropriate space type from Table C405.4.2(2). If a space has multiple functions where more than one space type is applicable, that space shall be broken up into smaller subspaces, each using their own space type. Any of these subspaces that are smaller in floor area than 20 percent of the enclosed space and less than 1,000 square feet need not be broken out separately.

**C405.4.2.2.1 Additional interior lighting power.** Where using the Space-by-Space Method, an increase in the interior lighting power allowance is permitted for specific lighting functions. Additional power shall be permitted only where the specified lighting is installed and automatically controlled separately from the general lighting, to be turned off during nonbusiness hours. This additional power shall be used only for the specified luminaires and shall not be used for any other purpose. An increase in the interior lighting power allowance is permitted for lighting equipment to be installed in sales areas specifically to highlight merchandise. The additional lighting power shall be determined in accordance with Equation 4-11.

**(Equation 4-11)**

$$\text{Additional Interior Lighting Power Allowance} = 500 \text{ watts} + (\text{Retail Area } 1 \times ((0.6)) \text{ } 0.45 \text{ W/ft}^2) + (\text{Retail Area } 2 \times ((0.6)) \text{ } 0.45 \text{ W/ft}^2) + (\text{Retail Area } 3 \times ((1.4)) \text{ } 1.05 \text{ W/ft}^2) + (\text{Retail Area } 4 \times ((2.5)) \text{ } 1.87 \text{ W/ft}^2).$$

Where:

Retail Area 1 = The floor area for all products not listed in Retail Area 2, 3 or 4.

Retail Area 2 = The floor area used for the sale of vehicles, sporting goods and small electronics.

Retail Area 3 = The floor area used for the sale of furniture, clothing, cosmetics and artwork.

Retail Area 4 = The floor area used for the sale of jewelry, crystal and china.

**EXCEPTION:** Other merchandise categories are permitted to be included in Retail Areas 2 through 4, provided that justification documenting the need for additional lighting power based on visual inspection, contrast, or other critical display is *approved* by the code official.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405053 Table C405.4.2(1)—Interior lighting power allowances—Building area method.**

**Table C405.4.2(1)  
Interior Lighting Power Allowances—Building Area Method**

<b>((Building Area Type</b>	<b>LPD (w/ft<sup>2</sup>)</b>
<del>Automotive facility</del>	<del>0.64</del>
<del>Convention center</del>	<del>0.81</del>
<del>Court house</del>	<del>0.81</del>

<b>((Building Area Type</b>	<b>LPD (w/ft<sup>2</sup>)</b>
Dining: Bar lounge/leisure	0.79
Dining: Cafeteria/fast food	0.72
Dining: Family	0.71
Dormitory	0.46
Exercise center	0.67
Fire station	0.54
Gymnasium	0.75
Health care clinic	0.70
Hospital	0.84
Hotel/motel	0.70
Library	0.94
Manufacturing facility	0.89
Motion picture theater	0.61
Multifamily	0.41
Museum	0.80
Office	0.66
Parking garage	0.16
Penitentiary	0.65
Performing arts theater	1.00
Police station	0.70
Post office	0.70
Religious building	0.80
Retail	1.01
School/university	0.70
Sports arena	0.62
Town hall	0.71
Transportation	0.56
Warehouse	0.40
Workshop	0.95))

<b>Building Area Type</b>	<b>Option 1: LPD (w/ft<sup>2</sup>)</b>	<b>Option 2: LPD (w/ft<sup>2</sup>)</b>	<b>Option 3: LPD (w/ft<sup>2</sup>)</b>
Automotive facility	0.60	0.60	0.60
Convention center	0.65	0.65	0.65
Court house	0.70	0.70	0.70
Dining: Bar lounge/leisure	0.79	0.70	0.70
Dining: Cafeteria/fast food	0.70	0.70	0.70
Dining: Family	0.70	0.70	0.70
Dormitory <sup>a,b</sup>	0.61	0.41	0.41
Exercise center	0.65	0.61	0.61
Fire station <sup>a</sup>	0.53	0.53	0.50
Gymnasium	0.65	0.65	0.65
Health care clinic	0.70	0.70	0.70
Hospital <sup>a</sup>	0.90	0.84	0.84
Hotel/motel <sup>a,b</sup>	0.70	0.67	0.67

<b>Building Area Type</b>	<b>Option 1: LPD (w/ft<sup>2</sup>)</b>	<b>Option 2: LPD (w/ft<sup>2</sup>)</b>	<b>Option 3: LPD (w/ft<sup>2</sup>)</b>
Library	0.78	0.70	0.70
Manufacturing facility	0.89	0.60	0.60
Motion picture theater	0.61	0.60	0.60
Multifamily <sup>c</sup>	0.41	0.40	0.40
Museum	0.80	0.72	0.72
Office	0.65	0.66	0.65
Parking garage	0.14	0.13	0.13
Penitentiary	0.65	0.65	0.65
Performing arts theater	1.00	0.80	0.80
Personal service-salon, cleaners, laundromat	0.60	0.60	0.60
Police station	0.70	0.68	0.68
Post office	0.67	0.63	0.63
Religious building	0.80	0.70	0.70
Retail	0.90	0.91	0.90
School/university	0.65	0.65	0.60
Sports arena	0.62	0.75	0.75
Town hall	0.71	0.70	0.70
Transportation	0.50	0.51	0.51
Warehouse	0.40	0.40	0.40
Workshop	0.90	0.90	0.90

- a Where sleeping units are excluded from lighting power calculations by application of Section R404.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.
- b Where dwelling units are excluded from lighting power calculations by application of Section R404.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.
- c Dwelling units are excluded. Neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405054 Table C405.4.2(2)—Interior lighting power allowances—Space-by-space method.**

**Table C405.4.2(2)  
Interior Lighting Power Allowances—Space-by-Space Method**

<b>((Common Space by Space Types*</b>	<b>LPD* (w/ft<sup>2</sup>)</b>
Atrium—First 40 feet in height*	0.02 per ft. ht.
Atrium—Above 40 feet in height*	0.03 + 0.02 per ft. in total height
Audience/seating area—Permanent In an auditorium	0.50

<del>((Common Space by Space Types*</del>	<del>LPD<sup>d</sup> (w/ft<sup>2</sup>)</del>
In a convention center	0.66
In a gymnasium	0.34
In a motion picture theater	0.91
In a penitentiary	0.22
In a performing arts theater	1.94
In a religious building	1.22
In a sports arena	0.34
Otherwise	0.34
Banking activity area	0.81
Breakroom (see Lounge/breakroom)	
Classroom/lecture hall/training room	
In a penitentiary	1.07
Otherwise	1.00
Conference/meeting/multipurpose	0.98
Copy/print room	0.58
Corridor	
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	0.74
In a hospital	0.63
In a manufacturing facility	0.33
Otherwise	0.53
Courtroom	1.38
Computer room	1.37
Dining area	
In a penitentiary	0.77
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	1.52
In a bar/lounge or leisure dining	0.86
In a family dining area	0.71
Otherwise	0.52
Electrical/mechanical	0.76
Emergency vehicle garage	0.45
Food preparation	0.79
Guest room	0.38
Laboratory	
In or as a classroom	1.02
Otherwise	1.45
Laundry/washing area	0.48
Loading dock, interior	0.38

<del>((Common Space by Space Types*</del>	<del>LPD<sup>d</sup> (w/ft<sup>2</sup>)</del>
Lobby <sup>e</sup>	
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	1.44
For an elevator	0.51
In a hotel	0.85
In a motion picture theater	0.42
In a performing arts theater	1.60
Otherwise	0.72
Locker room	0.60
Lounge/breakroom	
In a health care facility	0.74
Otherwise	0.58
Office <sup>f</sup>	
Enclosed	0.89
Open plan	0.78
Parking area, interior	0.15
Pharmacy area	0.91
Restroom	
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	0.97
Otherwise	0.78
Sales area	1.27
Seating area, general	0.43
Stairway (see space containing stairway)	
Stairwell	0.55
Storage room	0.50
Vehicular maintenance	0.54
Workshop	1.27

<b>Building Specific Space by Space Types*</b>	
<b>Building Specific Space by Space Types</b>	<b>LPD<sup>d</sup> (w/ft<sup>2</sup>)</b>
Automotive – (See Vehicular maintenance, above)	
Convention center - Exhibit space	1.16
Dormitory living quarters	0.30
Facility for the visually impaired <sup>b</sup>	
In a chapel (and not used primarily by the staff) <sup>b</sup>	1.77
In a recreation room (and not used primarily by the staff) <sup>b</sup>	1.93



<b>Building Specific Space-by-Space Types*</b>	
<b>Building Specific Space-by-Space Types</b>	<b>LPD<sup>a</sup> (w/ft<sup>2</sup>)</b>
Fire stations—Sleeping quarters	0.18
Engine rooms	0.45
Gymnasium/fitness center	
In an exercise area	0.58
In a playing area	0.96
Health care facility	
In an exam/treatment room	1.33
In an imaging room	1.06
In a medical supply room	0.59
In a nursery	0.70
In a nurse's station	0.57
In an operating room	1.51
In a patient room	0.50
In a physical therapy room	0.73
In a recovery room	0.92
Library <sup>f</sup>	
In a reading area	0.74
In the stacks	1.37
Manufacturing facility	
In a detailed manufacturing area	1.03
In an equipment room	0.59
In an extra high bay area (greater than 50-foot floor-to-ceiling height)	0.84
In a high bay area (25–50-foot floor-to-ceiling height)	0.98
In a low bay (<25-foot floor-to-ceiling height)	0.95
Museum	
In a general exhibition area	0.84
In a restoration room	0.82
Performing arts theater dressing/fitting room	0.32
Post office—Sorting area	0.75
Religious buildings	
In a fellowship hall	0.51
In a worship/pulpit/choir area	1.22
Retail facilities	
In a dressing/fitting room	0.57
In a mall concourse	0.88

<b>Building Specific Space-by-Space Types*</b>	
<b>Building Specific Space-by-Space Types</b>	<b>LPD<sup>a</sup> (w/ft<sup>2</sup>)</b>
Sports arena—Playing area	
For a Class 1 facility	2.41
For a Class 2 facility	1.54
For a Class 3 facility	0.96
For a Class 4 facility	0.58
Transportation	
In a baggage/carousel area	0.42
In an airport concourse	0.29
At a terminal ticket counter	0.64
Warehouse—Storage area	
For medium to bulky palletized items	0.46
For smaller, hand-carried items	0.76))

<b>Common Space-by-Space Types<sup>a</sup></b>	<b>Option 1: LPD (w/ft<sup>2</sup>)</b>	<b>Option 2: LPD (w/ft<sup>2</sup>)</b>	<b>Option 3: LPD (w/ft<sup>2</sup>)</b>
Atrium - First 40 feet in height (per foot)	0.48	0.02	0.48
Atrium - Above 40 feet in height (per foot)	0.70	0.02	0.70
Audience/seating area - Permanent			
In an auditorium	0.61	0.61	0.61
In a convention center	0.65	0.25	0.25
In a gymnasium	0.34	0.23	0.23
In a motion picture theater	0.82	0.27	0.27
In a penitentiary	0.67	0.44	0.67
In a performing arts theater	1.06	1.06	1.06
In a religious building	1.22	0.72	0.72
In a sports arena	0.33	0.33	0.33
Otherwise	0.23	0.23	0.23
Banking activity area	0.79	0.61	0.61
Beauty salon, barber area	1.00	1.00	1.00
Breakroom (see lounge/breakroom)			
Classroom/lecture hall/training room			
In a penitentiary	1.38	1.07	1.38
Otherwise	0.84 <sup>m</sup>	0.84 <sup>m</sup>	0.74 <sup>m</sup>
Computer room, data center	1.33	1.00	1.00
Conference/meeting/multipurpose	0.97	0.97	0.97

<u>Common Space-by-Space Types<sup>a</sup></u>	<u>Option 1: LPD (w/ft<sup>2</sup>)</u>	<u>Option 2: LPD (w/ft<sup>2</sup>)</u>	<u>Option 3: LPD (w/ft<sup>2</sup>)</u>
Copy/print room	0.70	0.50	0.31
Corridor			
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	0.71	0.71	0.71
In a hospital	0.71	0.63	0.71
In a manufacturing facility	0.41	0.29	0.41
Otherwise	0.41	0.41	0.41
Courtroom	1.25	1.25	1.25
Dining area			
In a penitentiary	0.42	0.42	0.42
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	1.38	1.38	1.38
In a bar/lounge or leisure dining	0.86 <sup>n</sup>	0.86 <sup>n</sup>	0.86 <sup>n</sup>
In cafeteria or fast food dining	0.63	0.40	0.40
In a family dining area	0.71 <sup>n</sup>	0.60 <sup>n</sup>	0.60 <sup>n</sup>
Otherwise	0.52	0.43	0.43
Electrical/mechanical	0.42	0.42	0.42
Emergency vehicle garage	0.52	0.52	0.52
Food preparation	1.29	0.92	1.29
Guest room <sup>a,b</sup>	0.41	0.41	0.41
Laboratory			
In or as a classroom	1.17	1.02	1.17
Otherwise	1.70 <sup>n</sup>	1.45 <sup>n</sup>	1.70 <sup>n</sup>
Laundry/washing area	0.59	0.43	0.59
Loading dock, interior	0.38	0.38	0.38
Lobby <sup>c</sup>			
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	2.49	1.44	2.49
For an elevator	0.71	0.51	0.71
In a hotel	0.51	0.51	0.51
In a motion picture theater	0.23	0.23	0.23
In a performing arts theater	1.25	1.25	1.25
Otherwise	1.11	0.72	1.11
Locker room	0.52	0.86	0.52
Lounge/breakroom	0.67	0.58	0.42

<u>Common Space-by-Space Types<sup>a</sup></u>	<u>Option 1: LPD (w/ft<sup>2</sup>)</u>	<u>Option 2: LPD (w/ft<sup>2</sup>)</u>	<u>Option 3: LPD (w/ft<sup>2</sup>)</u>
Office			
Enclosed < 250	0.88 <sup>p</sup>	0.88 <sup>p</sup>	0.70 <sup>p</sup>
Enclosed > 250	0.79 <sup>p</sup>	0.79 <sup>p</sup>	0.70 <sup>p</sup>
Open plan	0.67 <sup>p</sup>	0.67 <sup>p</sup>	0.60 <sup>p</sup>
Parking area, interior	0.15	0.15	0.15
Parking facility, dedicated ramp	0.25	0.25	0.25
Pharmacy area	1.90	1.23	1.90
Restroom			
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	1.26	0.96	1.26
Otherwise	0.78 <sup>q,r</sup>	0.75 <sup>q,r</sup>	0.63 <sup>q,r</sup>
Sales area	1.12	1.12	1.04
Sales area, grocery	1.05	1.05	1.05
Seating area, general	0.23	0.23	0.23
Stairway (see space containing stairway)			
Stairwell	0.55 <sup>q,r</sup>	0.49 <sup>q,r</sup>	0.49 <sup>q,r</sup>
Storage room			
< 50 ft <sup>2</sup>	0.40	0.40	0.40
50-100 ft <sup>2</sup>	0.38	0.38	0.38
All other storage	0.38	0.38	0.38
Vehicular maintenance	0.60	0.54	0.60
Workshop	1.26	1.14	1.26

<u>Building Specific Space-by-Space Types<sup>a</sup></u>	<u>Option 1: LPD (w/ft<sup>2</sup>)</u>	<u>Option 2: LPD (w/ft<sup>2</sup>)</u>	<u>Option 3: LPD (w/ft<sup>2</sup>)</u>
Automotive	0.60	0.54	0.60
Convention center - Exhibit space	0.50	0.50	0.50
Dormitory living quarters <sup>a,b</sup>	0.84	0.46	0.46
Facility for the visually impaired <sup>b</sup>			
In a chapel (and not used primarily by the staff) <sup>b</sup>	0.70	0.70	0.70
In a recreation room (and not used primarily by the staff) <sup>b</sup>	1.77	1.77	1.77
Fire stations <sup>a</sup>			
Engine rooms	0.45	0.45	0.45
Sleeping quarters	0.20	0.18	0.20
Gymnasium/fitness center			
In an exercise area	0.90	0.50	0.90
In a playing area	0.85	0.82	0.85

<b>Building Specific Space-by-Space Types<sup>a</sup></b>	<b>Option 1: LPD (w/ft<sup>2</sup>)</b>	<b>Option 2: LPD (w/ft<sup>2</sup>)</b>	<b>Option 3: LPD (w/ft<sup>2</sup>)</b>
<b>Health care facility</b>			
<u>In an exam/treatment room</u>	<u>1.40</u>	<u>1.33</u>	<u>1.40</u>
<u>In an imaging room</u>	<u>0.85</u>	<u>0.85</u>	<u>0.85</u>
<u>In a medical supply room</u>	<u>0.64</u>	<u>0.54</u>	<u>0.62</u>
<u>In a nursery</u>	<u>1.37</u>	<u>0.94</u>	<u>1.37</u>
<u>In a nurse's station</u>	<u>1.11</u>	<u>0.75</u>	<u>1.11</u>
<u>In an operating room</u>	<u>2.26</u>	<u>1.90</u>	<u>2.26</u>
<u>In a patient room<sup>g</sup></u>	<u>1.15</u>	<u>0.68</u>	<u>0.68</u>
<u>In a physical therapy room</u>	<u>0.91</u>	<u>0.85</u>	<u>0.91</u>
<u>In a recovery room</u>	<u>1.25</u>	<u>0.92</u>	<u>1.25</u>
<b>Library</b>			
<u>In a reading area</u>	<u>0.96</u>	<u>0.80</u>	<u>0.96</u>
<u>In the stacks</u>	<u>1.16</u>	<u>1.16</u>	<u>1.16</u>
<b>Manufacturing facility</b>			
<u>In a detailed manufacturing area</u>	<u>0.80</u>	<u>0.80</u>	<u>0.80</u>
<u>In an equipment room</u>	<u>0.76</u>	<u>0.65</u>	<u>0.76</u>
<u>In an extra high bay area (greater than 50-foot floor-to-ceiling height)</u>	<u>1.42</u>	<u>0.84</u>	<u>1.42</u>
<u>In a high bay area (25 - 50-foot floor-to-ceiling height)</u>	<u>1.24</u>	<u>0.75</u>	<u>1.24</u>
<u>In a low bay (&lt; 25-foot floor-to-ceiling height)</u>	<u>0.86</u>	<u>0.86</u>	<u>0.86</u>
<b>Museum</b>			
<u>In a general exhibition area</u>	<u>0.84</u>	<u>0.31</u>	<u>0.31</u>
<u>In a restoration room</u>	<u>1.10</u>	<u>1.10</u>	<u>1.10</u>
<b>Performing arts theater dressing/fitting room</b>	<u>0.41</u>	<u>0.41</u>	<u>0.41</u>
<b>Post office - Sorting area</b>	<u>0.76</u>	<u>0.68</u>	<u>0.76</u>
<b>Religious buildings</b>			
<u>In a fellowship hall</u>	<u>0.54</u>	<u>0.51</u>	<u>0.54</u>
<u>In a worship/pulpit/choir area</u>	<u>0.85</u>	<u>0.85</u>	<u>0.84</u>

<b>Building Specific Space-by-Space Types<sup>a</sup></b>	<b>Option 1: LPD (w/ft<sup>2</sup>)</b>	<b>Option 2: LPD (w/ft<sup>2</sup>)</b>	<b>Option 3: LPD (w/ft<sup>2</sup>)</b>
<b>Retail facilities</b>			
<u>In a dressing/fitting room</u>	<u>0.51</u>	<u>0.50</u>	<u>0.51</u>
<u>In a mall concourse</u>	<u>1.03</u>	<u>0.88</u>	<u>1.03</u>
<b>Sports arena - Playing area</b>			
<u>For a Class 1 facility<sup>i</sup></u>	<u>2.94</u>	<u>2.41</u>	<u>2.94</u>
<u>For a Class 2 facility<sup>j</sup></u>	<u>2.01</u>	<u>2.01</u>	<u>2.01</u>
<u>For a Class 3 facility<sup>k</sup></u>	<u>1.30</u>	<u>0.96</u>	<u>1.30</u>
<u>For a Class 4 facility<sup>l</sup></u>	<u>0.86</u>	<u>0.72</u>	<u>0.86</u>
<b>Transportation</b>			
<u>In a baggage/carousel area</u>	<u>0.39</u>	<u>0.39</u>	<u>0.39</u>
<u>In an airport concourse</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>
<u>At a terminal ticket counter</u>	<u>0.51</u>	<u>0.51</u>	<u>0.51</u>
<b>Warehouse - Storage area</b>			
<u>For medium to bulky palletized items</u>	<u>0.33</u>	<u>0.33</u>	<u>0.33</u>
<u>For smaller, hand-carried items</u>	<u>0.69</u>	<u>0.69</u>	<u>0.69</u>

For SI: 1 foot = 304.8 mm, 1 watt per square foot = 11 W/m<sup>2</sup>.

- a In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.
- b A ((<sup>u</sup>)) facility for the visually impaired((<sup>u</sup>)) is a facility that is licensed or will be licensed by local or state authorities for senior long-term care, adult daycare, senior support or people with special visual needs.
- c For spaces in which lighting is specified to be installed in addition to, and controlled separately from, the general lighting for the purpose of highlighting art or exhibits, provided that the additional lighting power shall not exceed 0.5 W/ft<sup>2</sup> of such spaces.
- d ((The watts per square foot may be increased by 2 percent per foot of ceiling height above 20 feet, unless specifically directed otherwise by subsequent footnotes.)) Reserved.
- e ((Footnote d may not be used for these occupancy types.)) Reserved.
- f ((The watts per square foot may be increased by 2 percent per foot of ceiling height above 9 feet. Footnote d may not be used for these occupancy types.)) Reserved.
- g Where sleeping units are excluded from lighting power calculations by application of Section R404.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.
- h Where dwelling units are excluded from lighting power calculations by application of Section R404.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.

- i Class I facilities consist of professional facilities; and semiprofessional, collegiate or club facilities with seating for 5,000 or more spectators.
- i Class II facilities consist of collegiate and semiprofessional facilities with seating for fewer than 5,000 spectators; club facilities with seating between 2,000 and 5,000 spectators; and amateur league and high school facilities with seating for more than 2,000 spectators.
- k Class III facilities consist of club, amateur league and high school facilities with seating for 2,000 or fewer spectators.
- l Class IV facilities consist of elementary school and recreational facilities; and amateur league and high school facilities without provisions for spectators.
- m For classrooms, additional lighting power allowance of 4.50 W/linear foot of white or chalk boards for directional lighting dedicated to white or chalk boards.
- n Additional lighting power allowance of 0.30 W/ft<sup>2</sup> for ornamental lighting. Qualifying ornamental lighting includes luminaires such as chandeliers, sconces, lanterns, neon and cold cathode, light emitting diodes, theatrical projectors, moving lights and light color panels when any of those lights are used in a decorative manner that does not serve as display lighting or general lighting.
- o For scientific laboratories, additional lighting power allowance of 0.35 W/ft<sup>2</sup> for specialized task work - lighting that provides for small-scale, cognitive or fast performance visual tasks, lighting required for operating specialized equipment associated with pharmaceutical/laboratorial activities.
- p For offices, additional lighting power allowance of 0.20 W/ft<sup>2</sup> for portable lighting, which includes under shelf or furniture-mounted supplemental task lighting qualifies when controlled by a time clock or an occupancy sensor.
- q Additional lighting power allowance of 0.15 W/ft<sup>2</sup> for decorative lighting. Primary function shall be decorative and not to provide general lighting.
- r Additional lighting power allowance of 0.20 W/ft<sup>2</sup> for accent, display and feature lighting - luminaires shall be adjustable or directional.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40506 Section C405.5—Exterior lighting.**

**C405.5 Exterior lighting ~~((mandatory))~~ power requirements.** ~~((Where the power for exterior lighting is supplied through the energy service to the building, all exterior lighting shall comply with Sections C405.5.1 and C405.5.2.~~

EXCEPTION: ~~Where approved because of historical, safety, signage or emergency considerations:)~~

The total connected exterior lighting power calculated in accordance with Section C405.5.2 shall not be greater than the exterior lighting power allowance calculated in accordance with Section C405.5.3.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405061 Section C405.5.1—Exterior building grounds lighting.**

**C405.5.1 Exterior building grounds lighting.** All exterior building grounds luminaires that operate at greater than 100

watts shall have a minimum efficacy of 80 lumens per watt unless the luminaire is controlled by a motion sensor or qualifies for one of the exceptions under Section C405.5.2.

- EXCEPTIONS:
1. Solar-powered lamps not connected to any electrical source.
  2. Luminaires controlled by a motion sensor.
  3. Luminaires that qualify for one of the exceptions under Section C405.5.2.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405062 Section C405.5.2—Exterior building lighting power.**

**C405.5.2 Total connected exterior building lighting power.** ~~The total exterior connected lighting power ((allowance for all exterior building applications is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated and are permitted in Table C405.5.2(2) for the applicable lighting zone. Tradeoffs are allowed only among exterior lighting applications listed in Table C405.5.2(2), Tradable Surfaces section. The lighting zone for the building exterior is determined from Table C405.5.2(1) unless otherwise specified by the local jurisdiction)) shall be the total maximum rated wattage of all lighting that is powered through the energy service for the building.~~

EXCEPTION: ~~Lighting used for the following ((exterior)) applications ((is exempt where equipped with a control device independent of the control of the nonexempt lighting)) shall not be included:~~

1. Lighting approved because of safety considerations;
2. Emergency lighting automatically off during normal business operation;
3. Exit signs;
4. Specialized signal, directional and marker lighting associated with transportation;
- ~~((2.))~~ 5. Advertising signage or directional signage;
- ~~((3.))~~ 6. Integral to equipment or instrumentation and is installed by its manufacturer;
- ~~((4.))~~ 7. Theatrical purposes, including performance, stage, film production and video production;
- ~~((5.))~~ 8. Athletic playing areas;
- ~~((6.))~~ 9. Temporary lighting;
- ~~((7.))~~ 10. Industrial production, material handling, transportation sites and associated storage areas;
- ~~((8.))~~ 11. Theme elements in theme/amusement parks;
- ~~((and~~
- 9.) 12. Lighting integrated within or used to highlight features of art, public monuments and ((registered historic landmark structures or buildings)) the national flag;
13. Lighting for water features and swimming pools; and
14. Lighting that is controlled from within dwelling units, where the lighting complies with Section R404.1.

**C405.5.3 Exterior lighting power allowance.** The total exterior lighting power allowance is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated by lighting that is powered through the energy service for the building. Lighting power allowances are as specified in Table C405.5.3(2). The lighting zone for the

building exterior is determined in accordance with Table C405.5.3(1) unless otherwise specified by the code official.

**C405.5.3.1 Additional exterior lighting power.** Any increase in the exterior lighting power allowance is limited to the specific lighting applications indicated in Table C405.5.3(3). The additional power shall be used only for the luminaires that are serving these applications and shall not be used for any other purpose.

**C405.5.4 Gas lighting.** Gas-fired lighting appliances shall not be equipped with continuously burning pilot ignition systems.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405063 Table ((C405.5.2)) C405.5.3(1)—Exterior lighting zones.**

**Table ((C405.5.2)) C405.5.3(1)  
Exterior Lighting Zones**

Lighting Zone	Description
1	Developed areas of national parks, state parks, forest land, and rural areas
2	Areas predominantly consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed use areas
3	All other areas not classified as lighting zone 1, 2, or 4
4	High-activity commercial districts in major metropolitan areas as designated by the local land use planning authority

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-405064 Table ((C405.5.2)) C405.5.3(2)—Individual lighting power allowances for building exteriors.**

**Table ((C405.5.2)) C405.5.3(2)  
((Individual)) Lighting Power Allowances for Building Exteriors**

		((Lighting Zones			
		Zone 1	Zone 2	Zone 3	Zone 4
Base Site Allowance (Base allowance is usable in tradable or nontradable surfaces.)		500 W	600 W	750 W	1300 W
Tradable Surfaces		<b>Uncovered Parking Areas</b>			
(Lighting power densities for uncovered parking areas, building grounds, building entrances and exits, canopies and overhangs and outdoor sales areas are tradable.)	Parking areas and drives	0.04 W/ft <sup>2</sup>	0.06 W/ft <sup>2</sup>	0.08 W/ft <sup>2</sup>	0.10 W/ft <sup>2</sup>
		<b>Building Grounds</b>			
	Walkways less than 10 feet wide	0.7 W/linear foot	0.7 W/linear foot	0.8 W/linear foot	1.0 W/linear foot
	Walkways 10 feet wide or greater, plaza areas, special feature areas	0.14 W/ft <sup>2</sup>	0.14 W/ft <sup>2</sup>	0.16 W/ft <sup>2</sup>	0.2 W/ft <sup>2</sup>
	Stairways	0.75 W/ft <sup>2</sup>	1.0 W/ft <sup>2</sup>	1.0 W/ft <sup>2</sup>	1.0 W/ft <sup>2</sup>
	Pedestrian tunnels	0.15 W/ft <sup>2</sup>	0.15 W/ft <sup>2</sup>	0.2 W/ft <sup>2</sup>	0.3 W/ft <sup>2</sup>
		<b>Building Entrances and Exits</b>			
	Main entries	20 W/linear foot of door width	20 W/linear foot of door width	30 W/linear foot of door width	30 W/linear foot of door width
	Other doors	20 W/linear foot of door width	20 W/linear foot of door width	20 W/linear foot of door width	20 W/linear foot of door width
	Entry canopies	0.25 W/ft <sup>2</sup>	0.25 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>
		<b>Sales Canopies</b>			
	Free standing and attached	0.6 W/ft <sup>2</sup>	0.6 W/ft <sup>2</sup>	0.8 W/ft <sup>2</sup>	1.0 W/ft <sup>2</sup>
		<b>Outdoor Sales</b>			
	Open areas (including vehicle sales lots)	0.25 W/ft <sup>2</sup>	0.25 W/ft <sup>2</sup>	0.5 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>
	Street frontage for vehicle sales lots in addition to "open area" allowance	No Allowance	10 W/linear foot	10 W/linear foot	30 W/linear foot

		<b>((Lighting Zones</b>			
		<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>
Nontradable Surfaces (Lighting power density calculations for the following applications can be used only for the specific application and cannot be traded between surfaces or with other exterior lighting. The following allowances are in addition to any allowance otherwise permitted in the "Tradable Surfaces" section of this table.)	Building facades	No allowance	0.075 W/ft <sup>2</sup> of gross above-grade wall area	0.113 W/ft <sup>2</sup> of gross above-grade wall area	0.150 W/ft <sup>2</sup> of gross above-grade wall area
	Automated teller machines and night depositories	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location
	Entrances and gatehouse inspection stations at guarded facilities	0.75 W/ft <sup>2</sup> of covered and uncovered area	0.75 W/ft <sup>2</sup> of covered and uncovered area	0.75 W/ft <sup>2</sup> of covered and uncovered area	0.75 W/ft <sup>2</sup> of covered and uncovered area
	Loading areas for law enforcement, fire, ambulance and other emergency service vehicles	0.5 W/ft <sup>2</sup> of covered and uncovered area	0.5 W/ft <sup>2</sup> of covered and uncovered area	0.5 W/ft <sup>2</sup> of covered and uncovered area	0.5 W/ft <sup>2</sup> of covered and uncovered area
	Drive-up windows/doors	400 W per drive-through	400 W per drive-through	400 W per drive-through	400 W per drive-through
	Parking near 24-hour retail entrances	800 W per main entry	800 W per main entry	800 W per main entry	800 W per main entry))

	<b>Lighting Zones</b>			
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>
Base Site Allowance	350 W	400 W	500 W	900 W
<b>Uncovered Parking Areas</b>				
Parking areas and drives	0.03 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.06 W/ft <sup>2</sup>	0.08 W/ft <sup>2</sup>
<b>Building Grounds</b>				
Walkways and ramps less than 10 feet wide	0.5 W/linear foot	0.5 W/linear foot	0.6 W/linear foot	0.7 W/linear foot
Walkways and ramps 10 feet wide or greater, plaza areas, special feature areas	0.10 W/ft <sup>2</sup>	0.10 W/ft <sup>2</sup>	0.11 W/ft <sup>2</sup>	0.14 W/ft <sup>2</sup>
Dining areas	0.65 W/ft <sup>2</sup>	0.65 W/ft <sup>2</sup>	0.75 W/ft <sup>2</sup>	0.95 W/ft <sup>2</sup>
Stairways	0.6 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>
Pedestrian tunnels	0.12 W/ft <sup>2</sup>	0.12 W/ft <sup>2</sup>	0.14 W/ft <sup>2</sup>	0.21 W/ft <sup>2</sup>
Landscaping	0.03 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>
<b>Building Entrances and Exits</b>				
Pedestrian and vehicular entrances and exits	14 W/linear foot of opening	14 W/linear foot of opening	21 W/linear foot of opening	21 W/linear foot of opening
Entry canopies	0.2 W/ft <sup>2</sup>	0.25 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>
Loading docks	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>
<b>Sales Canopies</b>				
Free standing and attached	0.4 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>	0.6 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>
<b>Outdoor Sales</b>				
Open areas (including vehicle sales lots)	0.2 W/ft <sup>2</sup>	0.2 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.5 W/ft <sup>2</sup>

	<b>Lighting Zones</b>			
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>
Street frontage for vehicle sales lots in addition to "open area" allowance	No Allowance	7 W/linear foot	7 W/linear foot	21 W/linear foot

For SI: 1 foot = 304.8 mm, 1 watt per square foot = W/0.0929 m<sup>2</sup>

**Table C405.5.3(3)**  
**Individual Lighting Power Allowances for Building Exteriors**

	<b>Lighting Zones</b>			
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>
Building facades	No allowance	0.075 W/ft <sup>2</sup> of gross above-grade wall area	0.113 W/ft <sup>2</sup> of gross above-grade wall area	0.150 W/ft <sup>2</sup> of gross above-grade wall area
Automated teller machines and night depositories	135W per location plus 45W per additional ATM per location			
Entrances and gatehouse inspection stations at guarded facilities	0.5 W/ft <sup>2</sup>			
Loading areas for law enforcement, fire, ambulance and other emergency service vehicles	0.35 W/ft <sup>2</sup>			
Drive-up windows/doors	200 W per drive-through			
Parking near 24-hour retail entrances	400 W per main entry			

AMENDATORY SECTION (Amending WSR 17-10-062, filed 5/2/17, effective 6/2/17)

**WAC 51-11C-40507 Section C405.6—Electrical energy consumption.**

**C405.6 Electrical transformers (~~((Mandatory))~~).** Low-voltage dry-type distribution electric transformers shall meet the minimum efficiency requirements of Table C405.6 as tested and rated in accordance with the test procedure listed in DOE 10 C.F.R. 431. The efficiency shall be verified through certification under an approved certification program or, where no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the transformer manufacturer.

- EXCEPTION: The following transformers are exempt:
1. Transformers that meet the Energy Policy Act of 2005 exclusions based on the DOE 10 C.F.R. 431 definition of special purpose applications.
  2. Transformers that meet the Energy Policy Act of 2005 exclusions that are not to be used in general purpose applications based on information provided in DOE 10 C.F.R. 431.
  3. Transformers that meet the Energy Policy Act of 2005 exclusions with multiple voltage taps where the highest tap is (~~(at least)~~) not less than 20 percent more than the lowest tap.
  4. Drive transformers.
  5. Rectifier transformers.
  6. Auto-transformers.
  7. Uninterruptible power system transformers.
  8. Impedance transformers.
  9. Regulating transformers.
  10. Sealed and nonventilating transformers.
  11. Machine tool transformer.
  12. Welding transformer.
  13. Grounding transformer.
  14. Testing transformer.

**Table C405.6  
Minimum Nominal Efficiency Levels For 10 C.F.R. 431  
Low Voltage Dry-Type Distribution Transformers**

Single Phase Transformers		Three Phase Transformers	
kVA <sup>a</sup>	Efficiency (%) <sup>b</sup>	kVA <sup>a</sup>	Efficiency (%) <sup>b</sup>
15	97.70	15	<del>((97.0))</del> 97.89
25	98.00	30	<del>((97.5))</del> 98.23
37.5	98.20	45	<del>((97.7))</del> 98.40
50	98.30	75	<del>((98.0))</del> 98.60
75	98.50	112.5	<del>((98.2))</del> 98.74
100	98.60	150	<del>((98.3))</del> 98.83
167	98.70	225	<del>((98.5))</del> 98.94
250	98.80	300	<del>((98.6))</del> 99.02
333	98.90	500	<del>((98.7))</del> 99.14
		750	<del>((98.8))</del> 99.23

Single Phase Transformers		Three Phase Transformers	
		1000	<del>((98.9))</del> 99.28

- a kiloVolt-Amp rating.  
b Nominal efficiencies shall be established in accordance with the DOE 10 C.F.R. 431 test procedure for low voltage dry-type transformers.

**C405.7 Dwelling unit electrical energy consumption (~~((Mandatory))~~).** Each dwelling unit located in a Group R-2 building shall have a separate electrical meter. A utility tenant meter meets this requirement. See Section C409 for additional requirements for energy metering and energy consumption management.

- EXCEPTION: Dwelling units in other than Group R-2 apartment and live/work units are not required to provide a separate electrical metering at each dwelling unit where electrical usage is metered separately for each of the following building end uses:
1. Dwelling units.
  2. Sleeping units.
  3. Commercial kitchens.
  4. Central laundries.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40508 Section C405.8—Electric motors.**

**C405.8 Electric motor efficiency (~~((mandatory))~~).** All electric motors, fractional or otherwise, shall meet the minimum efficiency requirements of Tables C405.8(1) through C405.8(4) when tested and rated in accordance with DOE 10 C.F.R. 431. The efficiency shall be verified through certification under an approved certification program or, where no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the motor manufacturer.

- EXCEPTION: The standards in this section shall not apply to the following exempt electric motors.
1. Air-over electric motors.
  2. Components sets of an electric motor.
  3. Liquid-cooled electric motors.
  4. Submersible electric motors.
  5. Inverter-only electric motors.

Fractional hp fan motors that are 1/12 hp or greater and less than 1 hp (based on output power) which are not covered by Tables C405.8(3) and C405.8(4) shall be electronically commutated motors or shall have a minimum motor efficiency of 70 percent when rated in accordance with DOE 10 C.F.R. 431. These motors shall also have the means to adjust motor speed for either balancing or remote control. Belt-driven fans may use sheave adjustments for airflow balancing in lieu of a varying motor speed.

- EXCEPTIONS:
1. Motors that are an integral part of specialized process equipment.
  2. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

- 3. Motors used as a component of the equipment meeting the minimum efficiency requirements of Section C403.2.3 and Tables C403.2.3(1) through C403.2.3(10) provided that the motor input is included when determining the equipment efficiency.
- 4. Motors in the airstream within fan-coils and terminal units that operate only when providing heating to the space served.
- 5. Fan motors that are not covered by Tables C405.8(1) through C405.8(4) and are used to power heat recovery ventilators, energy recovery ventilators, or local exhaust fans in Group R subject to the high efficacy requirements of Section ((C403.2.11.4)) C403.8.4.

- 6. Domestic clothes dryer booster fans, range hood exhaust fans, and domestic range booster fans that operate intermittently.
- 7. Radon and contaminated soil exhaust fans.
- 8. Group R heat recovery ventilator and energy recovery ventilator fans that are less than 400 cfm.

**((Table C405.8(1))**

**Minimum Nominal Full-load Efficiency for 60 Hz NEMA General Purpose Electric Motors (Subtype I) Rated 600 Volts or Less (Random Wound)\***

NUMBER OF POLES▶	OPEN DRIP PROOF MOTORS			TOTALLY ENCLOSED FAN COOLED MOTORS		
	2	4	6	2	4	6
SYNCHRONOUS SPEED (RPM)▶	3600	1800	1200	3600	1800	1200
MOTOR HORSEPOWER▼						
1	77.0	85.5	82.5	77.0	85.5	82.5
1.5	84.0	86.5	86.5	84.0	86.5	87.5
2	85.5	86.5	87.5	85.5	86.5	88.5
3	85.5	89.5	88.5	86.5	89.5	89.5
5	86.5	89.5	89.5	88.5	89.5	89.5
7.5	88.5	91.0	90.2	89.5	91.7	91.0
10	89.5	91.7	91.7	90.2	91.7	91.0
15	90.2	93.0	91.7	91.0	92.4	91.7
20	91.0	93.0	92.4	91.0	93.0	91.7
25	91.7	93.6	93.0	91.7	93.6	93.0
30	91.7	94.1	93.6	91.7	93.6	93.0
40	92.4	94.1	94.1	92.4	94.1	94.1
50	93.0	94.5	94.1	93.0	94.5	94.1
60	93.6	95.0	94.5	93.6	95.0	94.5
75	93.6	95.0	94.5	93.6	95.4	94.5
100	93.6	95.4	95.0	94.1	95.4	95.0
125	94.1	95.4	95.0	95.0	95.4	95.0
150	94.1	95.8	95.4	95.0	95.8	95.8
200	95.0	95.8	95.4	95.4	96.2	95.8
250	95.0	95.8	95.4	95.8	96.2	95.8
300	95.4	95.8	95.4	95.8	96.2	95.8
350	95.4	95.8	95.4	95.8	96.2	95.8
400	95.8	95.8	95.8	95.8	96.2	95.8
450	95.8	96.2	96.2	95.8	96.2	95.8
500	95.8	96.2	96.2	95.8	96.2	95.8

\*Nominal efficiencies shall be established in accordance with DOE 10 C.F.R. 431.



**Table C405.8(2)**

**Minimum Nominal Full-load Efficiency of General Purpose Electric Motors (Subtype II) And All Design B Motors Greater Than 200 Horsepower\***

NUMBER OF POLES▶	OPEN DRIP PROOF MOTORS				TOTALLY ENCLOSED FAN COOLED MOTORS			
	2	4	6	8	2	4	6	8
SYNCHRONOUS SPEED (RPM)▶	3600	1800	1200	900	3600	1800	1200	900
MOTOR HORSEPOWER▼								
1	NR	82.5	80.0	74.0	75.5	82.5	80.0	74.0
1.5	82.5	84.0	84.0	75.5	82.5	84.0	85.5	77.0
2	84.0	84.0	85.5	85.5	84.0	84.0	86.5	82.5
3	84.0	86.5	86.5	86.5	85.5	87.5	87.5	84.0
5	85.5	87.5	87.5	87.5	87.5	87.5	87.5	85.5
7.5	87.5	88.5	88.5	88.5	88.5	89.5	89.5	85.5
10	88.5	89.5	90.2	89.5	89.5	89.5	89.5	88.5
15	89.5	91.0	90.2	89.5	90.2	91.0	90.2	88.5
20	90.2	91.0	91.0	90.2	90.2	91.0	90.2	89.5
25	91.0	91.7	91.7	90.2	91.0	92.4	91.7	89.5
30	91.0	92.4	92.4	91.0	91.0	92.4	91.7	91.0
40	91.7	93.0	93.0	91.0	91.7	93.0	93.0	91.0
50	92.4	93.0	93.0	91.7	92.4	93.0	93.0	91.7
60	93.0	93.6	93.6	92.4	93.0	93.6	93.6	91.7
75	93.0	94.1	93.6	93.6	93.0	94.1	93.6	93.0
100	93.0	94.1	94.1	93.6	93.6	94.5	94.1	93.0
125	93.6	94.5	94.1	93.6	94.5	94.5	94.1	93.6
150	93.6	95.0	94.5	93.6	94.5	95.0	95.0	93.6
200	94.5	95.0	94.5	93.6	95.0	95.0	95.0	94.1
250	94.5	95.4	95.4	94.5	95.4	95.0	95.0	94.5
300	95.0	95.4	95.4	NR	95.4	95.4	95.0	NR
350	95.0	95.4	95.4	NR	95.4	95.4	95.0	NR
400	95.4	95.4	NR	NR	95.4	95.4	NR	NR
450	95.8	95.8	NR	NR	95.4	95.4	NR	NR
500	95.8	95.8	NR	NR	95.4	95.8	NR	NR

\*Nominal efficiencies shall be established in accordance with DOE 10 C.F.R. 431.

—NR— No requirement.))

**Table C405.8(1)**

**Minimum Nominal Full-load Efficiency for NEMA Design A, NEMA Design B and IEC Design N Motors (Excluding Fire Pump) Electric Motors at 60 Hz<sup>ab</sup>**

Motor horsepower (Standard kilowatt equivalent)	Nominal full-load efficiency (%) as of June 1, 2016							
	2 pole		4 pole		6 pole		8 pole	
	Enclosed	Open	Enclosed	Open	Enclosed	Open	Enclosed	Open
1 (0.75)	77.0	77.0	85.5	85.5	82.5	82.5	75.5	75.5
1.5 (1.1)	84.0	84.0	86.5	86.5	87.5	86.5	78.5	77.5
2 (1.5)	85.5	85.5	86.5	86.5	88.5	87.5	84.0	86.5
3 (2.2)	86.5	85.5	89.5	89.5	89.5	88.5	85.5	87.5
5 (3.7)	88.5	86.5	89.5	89.5	89.5	89.5	86.5	88.5

Motor horsepower (Standard kilowatt equivalent)	Nominal full-load efficiency (%) as of June 1, 2016							
	2 pole		4 pole		6 pole		8 pole	
	Enclosed	Open	Enclosed	Open	Enclosed	Open	Enclosed	Open
<u>7.5 (5.5)</u>	<u>89.5</u>	<u>88.5</u>	<u>91.7</u>	<u>91.0</u>	<u>91.0</u>	<u>90.2</u>	<u>86.5</u>	<u>89.5</u>
<u>10 (7.5)</u>	<u>90.2</u>	<u>89.5</u>	<u>91.7</u>	<u>91.7</u>	<u>91.0</u>	<u>91.7</u>	<u>89.5</u>	<u>90.2</u>
<u>15 (11)</u>	<u>91.0</u>	<u>90.2</u>	<u>92.4</u>	<u>93.0</u>	<u>91.7</u>	<u>91.7</u>	<u>89.5</u>	<u>90.2</u>
<u>20 (15)</u>	<u>91.0</u>	<u>91.0</u>	<u>93.0</u>	<u>93.0</u>	<u>91.7</u>	<u>92.4</u>	<u>90.2</u>	<u>91.0</u>
<u>25 (18.5)</u>	<u>91.7</u>	<u>91.7</u>	<u>93.6</u>	<u>93.6</u>	<u>93.0</u>	<u>93.0</u>	<u>90.2</u>	<u>91.0</u>
<u>30 (22)</u>	<u>91.7</u>	<u>91.7</u>	<u>93.6</u>	<u>94.1</u>	<u>93.0</u>	<u>93.6</u>	<u>91.7</u>	<u>91.7</u>
<u>40 (30)</u>	<u>92.4</u>	<u>92.4</u>	<u>94.1</u>	<u>94.1</u>	<u>94.1</u>	<u>94.1</u>	<u>91.7</u>	<u>91.7</u>
<u>50 (37)</u>	<u>93.0</u>	<u>93.0</u>	<u>94.5</u>	<u>94.5</u>	<u>94.1</u>	<u>94.1</u>	<u>92.4</u>	<u>92.4</u>
<u>60 (45)</u>	<u>93.6</u>	<u>93.6</u>	<u>95.0</u>	<u>95.0</u>	<u>94.5</u>	<u>94.5</u>	<u>92.4</u>	<u>93.0</u>
<u>75 (55)</u>	<u>93.6</u>	<u>93.6</u>	<u>95.4</u>	<u>95.0</u>	<u>94.5</u>	<u>94.5</u>	<u>93.6</u>	<u>94.1</u>
<u>100 (75)</u>	<u>94.1</u>	<u>93.6</u>	<u>95.4</u>	<u>95.4</u>	<u>95.0</u>	<u>95.0</u>	<u>93.6</u>	<u>94.1</u>
<u>125 (90)</u>	<u>95.0</u>	<u>94.1</u>	<u>95.4</u>	<u>95.4</u>	<u>95.0</u>	<u>95.0</u>	<u>94.1</u>	<u>94.1</u>
<u>150 (110)</u>	<u>95.0</u>	<u>94.1</u>	<u>95.8</u>	<u>95.8</u>	<u>95.8</u>	<u>95.4</u>	<u>94.1</u>	<u>94.1</u>
<u>200 (150)</u>	<u>95.4</u>	<u>95.0</u>	<u>96.2</u>	<u>95.8</u>	<u>95.8</u>	<u>95.4</u>	<u>94.5</u>	<u>94.1</u>
<u>250 (186)</u>	<u>95.8</u>	<u>95.0</u>	<u>96.2</u>	<u>95.8</u>	<u>95.8</u>	<u>95.8</u>	<u>95.0</u>	<u>95.0</u>
<u>300 (224)</u>	<u>95.8</u>	<u>95.4</u>	<u>96.2</u>	<u>95.8</u>	<u>95.8</u>	<u>95.8</u>		
<u>350 (261)</u>	<u>95.8</u>	<u>95.4</u>	<u>96.2</u>	<u>95.8</u>	<u>95.8</u>	<u>95.8</u>		
<u>400 (298)</u>	<u>95.8</u>	<u>95.8</u>	<u>96.2</u>	<u>95.8</u>				
<u>450 (336)</u>	<u>95.8</u>	<u>96.2</u>	<u>96.2</u>	<u>96.2</u>				
<u>500 (373)</u>	<u>95.8</u>	<u>96.2</u>	<u>96.2</u>	<u>96.2</u>				

a Nominal efficiencies shall be established in accordance with DOE 10 C.F.R. 431.

b For purposes of determining the required minimum nominal full-load efficiency of an electric motor that has a horsepower or kilowatt rating between two horsepower or two kilowatt ratings listed in this table, each such motor shall be deemed to have a listed horsepower or kilowatt rating, determined as follows:

1. A horsepower at or above the midpoint between the two consecutive horsepowers shall be rounded up to the higher of the two horsepowers.

2. A horsepower below the midpoint between the two consecutive horsepowers shall be rounded down to the lower of the two horsepowers.

3. A kilowatt rating shall be directly converted from kilowatts to horsepower using the formula 1 kW = (1/0.746) horsepower. The conversion should be calculated to three significant decimal places, and the resulting horsepower shall be rounded in accordance with 1 or 2, whichever applies.

**Table C405.8(2)**

**Minimum Nominal Full-load Efficiency for NEMA Design C and IEC Design H Motors at 60 Hz<sup>a,b</sup>**

Motor horsepower (Standard kilowatt equivalent)	Nominal full-load efficiency (%) as of June 1, 2016					
	4 pole		6 pole		8 pole	
	Enclosed	Open	Enclosed	Open	Enclosed	Open
<u>1 (0.75)</u>	<u>85.5</u>	<u>85.5</u>	<u>82.5</u>	<u>82.5</u>	<u>75.5</u>	<u>75.5</u>
<u>1.5 (1.1)</u>	<u>86.5</u>	<u>86.5</u>	<u>87.5</u>	<u>86.5</u>	<u>78.5</u>	<u>77.5</u>
<u>2 (1.5)</u>	<u>86.5</u>	<u>86.5</u>	<u>88.5</u>	<u>87.5</u>	<u>84.0</u>	<u>86.5</u>
<u>3 (2.2)</u>	<u>89.5</u>	<u>89.5</u>	<u>89.5</u>	<u>88.5</u>	<u>85.5</u>	<u>87.5</u>
<u>5 (3.7)</u>	<u>89.5</u>	<u>89.5</u>	<u>89.5</u>	<u>89.5</u>	<u>86.5</u>	<u>88.5</u>
<u>7.5 (5.5)</u>	<u>91.7</u>	<u>91.0</u>	<u>91.0</u>	<u>90.2</u>	<u>86.5</u>	<u>89.5</u>
<u>10 (7.5)</u>	<u>91.7</u>	<u>91.7</u>	<u>91.0</u>	<u>91.7</u>	<u>89.5</u>	<u>90.2</u>
<u>15 (11)</u>	<u>92.4</u>	<u>93.0</u>	<u>91.7</u>	<u>91.7</u>	<u>89.5</u>	<u>90.2</u>
<u>20 (15)</u>	<u>93.0</u>	<u>93.0</u>	<u>91.7</u>	<u>92.4</u>	<u>90.2</u>	<u>91.0</u>

Motor horsepower (Standard kilowatt equivalent)	Nominal full-load efficiency (%) as of June 1, 2016					
	4 pole		6 pole		8 pole	
	Enclosed	Open	Enclosed	Open	Enclosed	Open
25 (18.5)	93.6	93.6	93.0	93.0	90.2	91.0
30 (22)	93.6	94.1	93.0	93.6	91.7	91.7
40 (30)	94.1	94.1	94.1	94.1	91.7	91.7
50 (37)	94.5	94.5	94.1	94.1	92.4	92.4
60 (45)	95.0	95.0	94.5	94.5	92.4	93.0
75 (55)	95.4	95.0	94.5	94.5	93.6	94.1
100 (75)	95.4	95.4	95.0	95.0	93.6	94.1
125 (90)	95.4	95.4	95.0	95.0	94.1	94.1
150 (110)	95.8	95.8	95.8	95.4	94.1	94.1
200 (150)	96.2	95.8	95.8	95.4	94.5	94.1

NR - No requirement.

a Nominal efficiencies shall be established in accordance with DOE 10 C.F.R. 431.

b For purposes of determining the required minimum nominal full-load efficiency of an electric motor that has a horsepower or kilowatt rating between two horsepower or two kilowatt ratings listed in this table, each such motor shall be deemed to have a listed horsepower or kilowatt rating, determined as follows:

1. A horsepower at or above the midpoint between the two consecutive horsepowers shall be rounded up to the higher of the two horsepowers.

2. A horsepower below the midpoint between the two consecutive horsepowers shall be rounded down to the lower of the two horsepowers.

3. A kilowatt rating shall be directly converted from kilowatts to horsepower using the formula 1 kW = (1/0.746) horsepower. The conversion should be calculated to three significant decimal places, and the resulting horsepower shall be rounded in accordance with 1 or 2, whichever applies.

**Table C405.8(3)**

**Minimum Average Full Load Efficiency for Polyphase Small Electric Motors<sup>a</sup>**

OPEN MOTORS			
NUMBER OF POLES ==>	2	4	6
SYNCHRONOUS SPEED (RPM) ==>	3600	1800	1200
MOTOR HORSEPOWER ▾			
0.25	65.6	69.5	67.5
0.33	69.5	73.4	71.4
0.50	73.4	78.2	75.3
0.75	76.8	81.1	81.7
1	77.0	83.5	82.5
1.5	84.0	86.5	83.8
2	85.5	86.5	N/A
3	85.5	86.9	N/A

<sup>a</sup> Average full load efficiencies shall be established in accordance with 10 C.F.R. 431.

**Table C405.8(4)**

**Minimum Average Full Load Efficiency For Capacitor-start Capacitor-run and Capacitor-start Induction-run Small Electric Motors<sup>a</sup>**

OPEN MOTORS			
NUMBER OF POLES ==>	2	4	6
SYNCHRONOUS SPEED (RPM) ==>	3600	1800	1200
MOTOR HORSEPOWER ▾			
0.25	66.6	68.5	62.2
0.33	70.5	72.4	66.6
0.50	72.4	76.2	76.2
0.75	76.2	81.8	80.2
1	80.4	82.6	81.1
1.5	81.5	83.8	N/A
2	82.9	84.5	N/A
3	84.1	N/A	N/A

<sup>a</sup> Average full load efficiencies shall be established in accordance with 10 C.F.R. 431.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40509 Section C405.9—Vertical and horizontal transportation systems.**

**C405.9 Vertical and horizontal transportation systems and equipment.** Vertical and horizontal transportation systems and equipment shall comply with this section.

**C405.9.1 Elevator cabs.** For the luminaires in each elevator cab, not including signals and displays, the sum of the lumens divided by the sum of the watts shall be no less than 35 lumens per watt. Ventilation fans in elevators that do not have their own air conditioning system shall not consume more than 0.33 watts/cfm at the maximum rated speed of the fan. Controls shall be provided that will deenergize ventilation fans and lighting systems when the elevator is stopped, unoccupied and with its doors closed for over 15 minutes.

**C405.9.2 Escalators and moving walks.** Escalators and moving walks shall comply with ASME A17.1/CSA B44 and shall have automatic controls configured to reduce speed to the minimum permitted speed in accordance with ASME A17.1/CSA B44 or applicable local code when not conveying passengers.

EXCEPTION: A ~~((power factor controller))~~ variable voltage drive system that reduces operating voltage in response to light loading conditions may be provided in place of the variable speed function.

**C405.9.2.1 Regenerative drive.** An escalator designed either for one-way down operation only or for reversible operation shall have a variable frequency regenerative drive that supplies electrical energy to the building electrical system when the escalator is loaded with passengers whose combined weight exceeds 750 pounds.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40510 Section C405.10—Controlled receptacles.**

**C405.10 Controlled receptacles.** At least 50 percent of all 125 volt 15- and 20-ampere receptacles installed in private offices, open offices, conference rooms, rooms used primarily for printing and/or copying functions, break rooms, individual workstations and classrooms, including those installed in modular partitions and modular office workstation systems, shall be controlled as required by this section. In rooms larger than 200 square feet (19 m<sup>2</sup>), a controlled receptacle shall be located within 72 inches (1.8 m) of each uncontrolled receptacle. Controlled receptacles shall be visibly differentiated from standard receptacles and shall be controlled by one of the following automatic control devices:

1. An occupant sensor that turns receptacle power off when no occupants have been detected for a maximum of 20 minutes.

2. A time-of-day operated control device that turns receptacle power off at specific programmed times and can be programmed separately for each day of the week. The control device shall be configured to provide an independent

schedule for each portion of the building not to exceed 5,000 square feet (465 m<sup>2</sup>) and not to exceed one full floor. The device shall be capable of being overridden for periods of up to two hours by a timer ~~((accessible))~~ in a location with access to occupants. Any individual override switch shall control the controlled receptacles for a maximum area of 5,000 square feet (465 m<sup>2</sup>). Override switches for controlled receptacles are permitted to control the lighting within the same area.

EXCEPTION: Receptacles designated for specific equipment requiring 24-hour operation, for building maintenance functions, or for specific safety or security equipment are not required to be controlled by an automatic control device and are not required to be located within 72 inches (1.8 m) of a controlled receptacle.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

~~WAC 51-11C-40511 ((Electrical power and lighting systems commissioning and completion requirements.))~~ **Section C405.11—Voltage drop in feeders and branch circuits.** ~~((Electrical power and lighting systems shall be commissioned and completed in accordance with Section C408.))~~ Voltage drop in feeders and branch circuits. The total voltage drop across the combination of feeders and branch circuits shall not exceed five percent.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

~~WAC 51-11C-40512 ((Reserved.))~~ **Section C405.12—Electrical commissioning.**

C405.12 Commissioning. Controlled receptacles and lighting systems shall be commissioned in accordance with Section C408.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

~~WAC 51-11C-40513 ((Section C405.13—Electrical power and lighting systems commissioning and completion requirements.))~~ **Reserved.**

~~((C405.13 Electrical power and lighting systems commissioning and completion requirements. Electrical power and lighting systems shall be commissioned and completed in accordance with Section C408.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40600 Section C406—((Additional)) Efficiency packages ((options)).**

**C406.1 ((Requirements.** Buildings shall comply with no less than two of the following:

1. ~~More efficient HVAC performance in accordance with Section C406.2.~~

2. ~~Reduced lighting power in accordance with Section C406.3.~~

- 3. Enhanced lighting controls in accordance with Section C406.4.
- 4. On-site supply of renewable energy in accordance with Section C406.5.
- 5. Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with Section C406.6.
- 6. High-efficiency service water heating in accordance with Section C406.7.
- 7. Enhanced envelope performance in accordance with Section C406.8.
- 8. Reduced air infiltration in accordance with Section C406.9.) **Additional energy efficiency credit requirements.** New buildings and changes in space conditioning, change of occupancy and building additions in accordance with Chapter 5 shall comply with sufficient packages from

Table C406.1 so as to achieve a minimum number of 6 credits. Mixed use buildings shall have a conditioned space area weighted average number of credits by building occupancy of at least 6 credits.

- EXCEPTIONS:
- 1. Low energy spaces in accordance with Section C402.1.1.1 and equipment buildings in accordance with Section C402.1.2 shall comply with sufficient packages from Table C406.1 so as to achieve a minimum number of 3 credits from Sections C406.2 through C406.12, where applicable.
  - 2. Building additions that have less than 1,000 square feet of conditioned floor area shall comply with sufficient packages from Table C406.1 so as to achieve a minimum number of 3 credits from Sections C406.2 through C406.12, where applicable.

**Table C406.1**  
**Efficiency Package Credits**

Code Section	Commercial Building Occupancy					
	Group R-1	Group R-2	Group B	Group E	Group M	All Other
	Additional Efficiency Credits					
1. More efficient HVAC performance in accordance with Section C406.2	2.0	3.0	3.0	2.0	1.0	2.0
2. Reduced lighting power: Option 1 in accordance with Section C406.3.1	1.0	1.0	2.0	2.0	3.0	2.0
3. Reduced lighting power: Option 2 in accordance with Section C406.3.2 <sup>a</sup>	2.0	3.0	4.0	4.0	6.0	4.0
4. Enhanced lighting controls in accordance with Section C406.4	NA	NA	1.0	1.0	1.0	1.0
5. On-site supply of renewable energy in accordance with C406.5	3.0	3.0	3.0	3.0	3.0	3.0
6. Dedicated outdoor air system in accordance with Section C406.6 <sup>b</sup>	4.0	4.0	4.0	NA	NA	4.0
7. High performance dedicated outdoor air system in accordance with Section C406.7	4.0	4.0	4.0	4.0	4.0	4.0
8. High-efficiency service water heating in accordance with Sections C406.8.1 and C406.8.2	4.0	5.0	NA	NA	NA	8.0
9. High performance service water heating in multi-family buildings in accordance with Section C406.9	7.0	8.0	NA	NA	NA	NA
10. Enhanced envelope performance in accordance with Section C406.10	3.0	6.0	3.0	3.0	3.0	4.0
11. Reduced air infiltration in accordance with Section C406.11	1.0	2.0	1.0	1.0	1.0	1.0
12. Enhanced commercial kitchen equipment in accordance with Section C406.12	5.0	NA	NA	NA	5.0	5.0 (Group A-2 only)

- a Projects using this option may not use Item 2.
- b This option is not available to buildings subject to the prescriptive requirements of Section C403.3.5.

**C406.1.1 Tenant spaces.** ~~((Tenant spaces))~~ Initial tenant improvement shall comply with sufficient packages from Table C406.1 so as to achieve a minimum number of three credits from Section C406.2, C406.3, C406.4, C406.6 or C406.7, where applicable. In buildings with multiple tenant spaces, each tenant space is permitted to comply individually. Where an entire building complies with Section C406.5, ~~((C406.8 or C406.9))~~ C406.10 or C406.11, tenant spaces within the building shall be deemed to comply with this section.

EXCEPTION: Previously occupied tenant spaces in existing buildings that comply with this code in accordance with Section C501.

**AMENDATORY SECTION** (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40602 Section C406.2—HVAC option.**

**C406.2 More efficient HVAC equipment and fan performance.** ~~((Buildings shall comply with Sections C406.2.1 through C406.2.3.))~~ No less than 90 percent of the total HVAC capacity serving the total conditioned floor area of the entire building, building addition, shell and core area in accordance with Section C406.1.1 or tenant space in accordance with Section C406.1.2 shall comply with Sections C406.2.1 through C406.2.3. For systems required to comply with Section C403.1.1, HVAC total system performance ratio, exceed the minimum requirement by 10 percent.

EXCEPTION: In low energy spaces complying with Section C402.1.1 and semi-heated spaces complying with Section C402.1.1.2, no less than 90 percent of the installed heating capacity is provided by electric infrared or gas-fired radiant heating equipment for localized heating applications. Stand-alone supply, return and exhaust fans shall comply with Section C406.2.3.

**C406.2.1 HVAC system selection.** ~~((No less than 90 percent of the total HVAC capacity serving the building shall be provided by equipment that is))~~ Equipment installed shall be types that are listed in Tables C403.2.3(1) through C403.2.3((9)) (12) or a combination thereof. Electric resistance heating does not meet this requirement.

EXCEPTION: ~~((Air-to-water heat pumps or heat recovery chillers are also permitted to be utilized for Option C406.2.))~~ Allowed equipment not listed in Tables C403.2.3(1) through C403.2.3(12):

1. Air-to-water heat pumps.
2. Heat recovery chillers.

**C406.2.2 Minimum equipment efficiency.** Equipment shall exceed the minimum efficiency requirements listed in Tables C403.2.3(1) through C403.2.3((9)) (12) by 15 percent, in addition to the requirements of Section C403. Where multiple performance requirements are provided, the equipment shall exceed all requirements by 15 percent.

- EXCEPTIONS:
1. Equipment that is larger than the maximum capacity range indicated in Tables C403.2.3(1) through C403.2.3((9)) (12) shall utilize the values listed for the largest capacity equipment for the associated equipment type shown in the table.
  2. Equipment comply with the exception to Section C406.2.1 is not required to comply with the minimum equipment efficiency requirement.
  3. Compliance may be demonstrated by calculating a total weighted average percentage for all heating and cooling equipment combined. All equipment shall have efficiency that is no less than 5 percent better than the minimum required efficiency in Table C403.2.3(1) through C403.2.3(12), and the resulting weighted average percentage for all equipment performance requirements shall exceed 15 percent. Calculation shall include heating and cooling capacities for all equipment, percentage better or worse than minimum required efficiency per Tables C403.2.3(1) through C403.2.3(12) for each performance requirement (SEER, EER/IEER, COP, HSPF, E<sub>t</sub>, E<sub>c</sub>, and AFUE), and the total weighted average efficiency percentage.
  4. Hot water boilers with input capacity greater than 2,500,000 Btu/h shall be considered to comply with this section with a minimum thermal efficiency of 95 percent E<sub>t</sub> in accordance with the test procedure in 10 C.F.R. Part 431.

**C406.2.3 Minimum fan efficiency.** Stand-alone supply, return and exhaust fans designed for operating with motors over 750 watts (1 hp) shall have ~~((an energy))~~ a fan efficiency ~~((classification))~~ grade of not less than FEG 71 as defined in AMCA 205. The total efficiency of the fan at the design point of operation shall be within 10 percentage points of either the maximum total efficiency of the fan or the static efficiency of the fan.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40603 Section C406.3—LPA option.**

**C406.3 Reduced lighting power.** ~~((Buildings shall comply with Sections C406.3.1 and, where applicable, C406.3.2.))~~ Interior lighting within the whole building, building addition or tenant space shall comply with Section C406.3.1 or Section C406.3.2. Dwelling units and sleeping units within the building shall comply with Section C406.3.3.

**C406.3.1 Reduced lighting power ((density)) Option 1.** The total connected interior lighting power ~~((watts) of the building))~~ calculated in accordance with Section C405.4.1 shall be ~~((75))~~ 90 percent or less of the lighting power values specified in Table C405.4.2(1) times the floor area for the building types, or by using ~~((75))~~ 90 percent of the total interior lighting power allowance calculated ~~((by the Space by Space Method))~~ in accordance with Section C405.4.2.

**C406.3.2 Reduced lighting power Option 2.** The total connected interior lighting power calculated in accordance with Section C405.4.1 shall be 80 percent or less of the lighting power values specified in Table C405.4.2(1) times the floor area of the building types, or by using 80 percent of the total

interior lighting power allowance calculated in accordance with Section C405.4.2.

**C406.3.3 Lamp fraction.** ~~((Not))~~ No less than 95 percent ~~((of the interior lighting power (watts) from lamps in))~~ permanently installed light fixtures in dwelling units and sleeping units shall be provided by high efficacy lamps with a minimum efficacy of ~~((60))~~ 65 lumens per watt.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40604 Section C406.4—Lighting controls option.**

**C406.4 Enhanced digital lighting controls.** Interior lighting shall be located, scheduled and operated in accordance with Section C405.2 and no less than 90 percent of the total installed interior lighting power shall be configured with the following enhanced control functions.

1. Luminaires shall be configured for continuous dimming.
2. Each luminaire shall be individually addressed.

EXCEPTIONS TO ITEM 2:

1. Multiple luminaires mounted on no more than 12 linear feet of a single lighting track and addressed as a single luminaire.
2. Multiple linear luminaires that are ganged together to create the appearance of a single longer fixture and addressed as a single luminaire, where the total length of the combined luminaires is not more than 12 feet. ~~((3. Not more than eight luminaires within a daylight zone are permitted to be controlled by a single daylight responsive control.~~
4. Luminaires shall be controlled by a digital control system configured with the following capabilities:
  - 4.1. Scheduling and illumination levels of individual luminaires and groups of luminaires are capable of being reconfigured through the system.
  - 4.2. Load shedding.
  - 4.3. In open and enclosed offices, the illumination level of overhead general illumination luminaires are configured to be individually adjusted by occupants.
  - 4.4. Occupancy sensors and daylight responsive controls are capable of being reconfigured through the system.
5. Construction documents shall include submittal of a Sequence of Operations, including a specification outlining each of the functions required by this section.)

3. No more than eight luminaires within a daylight zone are permitted to be controlled by a single daylight responsive control.

4. Luminaires shall be controlled by a digital control system configured with the following capabilities:

4.1. Scheduling and illumination levels of individual luminaires and groups of luminaires are capable of being reconfigured through the system.

4.2. Load shedding.

4.3. In open and enclosed offices, the illumination level of overhead general illumination luminaires are configured to be individually adjusted by occupants.

4.4. Occupancy sensors and daylight responsive controls are capable of being reconfigured through the system.

5. Construction documents shall include submittal of a Sequence of Operations, including a specification outlining each of the functions required by this section.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40605 Section C406.5—On-site renewable energy option.**

**C406.5 On-site renewable energy.** Buildings shall be provided with on-site renewable energy systems with an annual energy production per square foot ~~((of conditioned floor area of the building or not))~~ of no less than the value specified in Table C406.5 based on the total conditioned floor area of the whole building. The on-site renewable used in this option shall be separate from on-site renewables used as part of Section C406.7 or used to qualify for any exception in this code.

**Table C406.5**

**On-Site Renewable Energy System Rating (per square foot)**

Building Area Type	kBtu/year	kWh/year
Assembly	1.8	0.53
Dining	10.7	3.14
Hospital	3.6	1.06
Hotel/Motel	2.0	0.59
Multifamily residential	0.50	0.15
Office	0.82	0.24
Other	2.02	0.59
Retail	1.31	0.38
School/University	1.17	0.34
Supermarket	5.0	1.47
Warehouse	0.43	0.13

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40606 Section C406.6—DOAS option.**

**C406.6 Dedicated outdoor air system (DOAS).** Not less than 90~~((%)~~) percent of the ~~((building))~~ total conditioned floor area of the whole building, building addition or tenant space, excluding floor area of unoccupied spaces that do not require ventilation per the *International Mechanical Code*, shall be served by DOAS installed in accordance with Section ~~((C403.6))~~ C403.3.5. This option is not available to ~~((both))~~ buildings subject to ~~((and not subject to))~~ the prescriptive requirements of Section ~~((C403.6))~~ C403.3.5.

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40607 Section C406.7—~~((Service water heating))~~ High performance dedicated outdoor air system option.**

~~C406.7 ((Reduced energy use in service water heating. Buildings shall comply with Sections C406.7.1 and C406.7.2.~~

~~C406.7.1 Building type. Not less than 90 percent of the conditioned floor area shall be of the following types:~~

- ~~1. Group R-1: Boarding houses, hotels or motels.~~
- ~~2. Group I-2: Hospitals, psychiatric hospitals and nursing homes.~~
- ~~3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.~~
- ~~4. Group F: Laundries.~~
- ~~5. Group R-2: Buildings with residential occupancies.~~
- ~~6. Group A-3: Health clubs and spas.~~
- ~~7. Buildings with a service hot water load of 10 percent or more of total building energy loads, as shown with an energy analysis as described in Section C407.~~

~~C406.7.2 Load fraction. Not less than 60 percent of the annual building service hot water heating energy use, or not less than 100 percent of the annual building service hot water heating energy use in buildings subject to the requirements of Section C403.5.4, shall be provided by one or more of the following:~~

- ~~1. Service hot water system delivering heating requirements using heat pump technology with a minimum COP of 3.0.~~
- ~~2. Waste heat recovery from service hot water, heat recovery chillers, building equipment, process equipment, a combined heat and power system, or other approved system.~~
- ~~3. Solar water heating systems.)~~ **High performance dedicated outdoor air system (DOAS).** Buildings which include DOAS complying with Section C403.3.5 or C406.6 shall also provide minimum sensible effectiveness of heat recovery of 80 percent and DOAS total combined fan power less than 0.5 W/cfm of outdoor air. For the purpose of this section, total combined fan power includes all supply, exhaust, recirculation and other fans utilized for the purpose of ventilation.

AMENDATORY SECTION (Amending WSR 19-02-089, filed 1/2/19, effective 7/1/19)

**WAC 51-11C-40608 Section C406.8—((Envelope)) Service water heating option.**

~~C406.8 ((Enhanced envelope performance. The Proposed Total Envelope UA of the building thermal envelope shall be 15 percent lower than the Allowed Total Envelope UA for a building of identical configuration and fenestration area in accordance with Section C402.1.5 and Equation 4-2.))~~ **Reduced energy use in service water heating.** Buildings with service hot water heating equipment that serves the whole building, building addition or tenant space shall comply with Sections C406.8.1 and C406.8.2.

**C406.8.1 Building type.** Not less than 90 percent of the building conditioned floor area shall be of the following types:

1. Group R-1: Boarding houses, hotels, or motels.
2. Group I-2: Hospitals, psychiatric hospitals, and nursing homes.

3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.

4. Group F: Laundries.

5. Group R-2.

6. Group A-3: Health clubs and spas.

7. Buildings with a service hot water load of 10 percent or more of total building energy loads, as shown with an energy analysis as described in Section C407 or as shown through alternate service hot water load calculations showing a minimum service water energy use of 15 k/Btu per square foot per year, as approved by the building official.

**C406.8.2 Load fraction.** Not less than 60 percent of the annual service hot water heating energy use, or not less than 100 percent of the annual service hot water heating energy use in buildings with water-cooled systems subject to the requirements of Section C403.9.5 or qualifying for one of its exceptions, shall be provided by one or more of the following:

1. Service hot water system delivering heating requirements using heat pump technology with a minimum COP of 3.0. For air-source equipment, the COP rating will be reported at the design leaving heat pump water temperature with an entering air temperature of 60°F (15.6°C) or lower. For water-source equipment, the COP rating will be reported at the design leaving load water temperature with an entering water temperature of 74°F (23.3°C) or lower.

2. Waste heat recovery from service hot water, heat recovery chillers, building equipment, process equipment, or other approved system. Qualifying heat recovery must be above and beyond heat recovery required by other sections of this code.

3. On-site renewable energy water-heating systems.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40609 Section C406.9—((Air infiltration)) High performance service water heating in multi-family option.**

~~((C406.9 Reduced air infiltration. Air infiltration shall be verified by whole building pressurization testing conducted in accordance with ASTM E779 or ASTM E1827 by an independent third party. The measured air leakage rate of the building envelope shall not exceed 0.25 cfm/ft<sup>2</sup> (2.0 L/s·m<sup>2</sup>) under a pressure differential of 0.3 in. water (75 Pa), with the calculated surface area being the sum of the above and below grade building envelope. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the code official and the building owner.~~

**EXCEPTION:** Where the conditioned floor area of the building is not less than 250,000 ft<sup>2</sup> (25,000 m<sup>2</sup>), air leakage testing shall be permitted to be conducted on representative above grade sections of the building provided the conditioned floor area of tested areas is no less than 25 percent of the conditioned floor area of the building and are tested in accordance with this section.)

**C406.9 High performance service water heating in multi-family buildings.** For buildings with not less than 90 percent



of the conditioned floor area being Group R-2 occupancy, not less than 90 percent of the annual building service hot water energy use shall be provided by a heat pump system with a minimum COP of 3.0. This efficiency package is allowed to be taken in addition to Section C406.8.2.

**NEW SECTION**

**WAC 51-11C-40610 Section C406.10—Envelope option.**

**C406.10 Enhanced envelope performance.** The Proposed Total Envelope UA of the thermal envelope of the whole building or building addition shall be 15 percent lower than the Allowable Total Envelope UA for an area of identical configuration and fenestration area in accordance with Section C402.1.5 and Equation 4-2.

**NEW SECTION**

**WAC 51-11C-40611 Section C406.11—Air infiltration option.**

**C406.11 Reduced air infiltration.** Measured air infiltration of the total conditioned floor area of the whole building or fully isolated building addition shall comply with Section C406.11.1.

**C406.11.1 Air leakage testing and verification.** Air infiltration shall be verified by whole building pressurization testing conducted in accordance with ASTM E779 or ASTM E1827 by an independent third party. The measured air leakage rate of the *building envelope* shall not exceed 0.17 cfm/ft<sup>2</sup> under a pressure differential of 0.3 in. water (75 Pa), with the calculated surface area being the sum of the above and below grade *building envelope*. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the code official and the building owner.

**EXCEPTION:** Where the *conditioned floor area* of the building is not less than 250,000 ft<sup>2</sup> (25,000 m<sup>2</sup>), air leakage testing shall be permitted to be conducted on representative above grade sections of the building provided the *conditioned floor area* of tested areas is no less than 25 percent of the *conditioned floor area* of the building and are tested in accordance with this section.

**NEW SECTION**

**WAC 51-11C-40612 Section C406.12—Commercial kitchen option.**

**C406.12 Enhanced commercial kitchen equipment.** For buildings and spaces designated as Group A-2, or facilities whose primary business type involves the use of a commercial kitchen with at least one gas or electric fryer, all fryers, dishwashers, steam cookers and ovens shall comply with all of the following:

1. Achieve the ENERGY STAR label in accordance with the specifications current as of January 1, 2018.
2. Be installed prior to the issuance of the certificate of occupancy.

3. Have the ENERGY STAR qualified model number listed on the construction documents submitted for permitting.

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40701 Section C407.1—Scope.**

**C407.1 Scope.** This section establishes criteria for compliance using total building performance. All systems and loads shall be included in determining the total building performance including, but not limited to: Heating systems, cooling systems, service water heating, fan systems, lighting power, receptacle loads and process loads.

**EXCEPTION:** Energy used to recharge or refuel vehicles that are used for on-road and off-site transportation purposes.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40702 Section C407.2—Mandatory requirements.**

**C407.2 Mandatory requirements.** Compliance with this section requires ~~((that the criteria of Sections C402.5, C403.2, C404 and C405 be met))~~ compliance with those sections shown in Table C407.2.

The building permit application for projects utilizing this method shall include in one submittal all building and mechanical drawings and all information necessary to verify that the building envelope and mechanical design for the project corresponds with the annual energy analysis. If credit is proposed to be taken for lighting energy savings, then an electrical permit application shall also be submitted and approved prior to the issuance of the building permit. If credit is proposed to be taken for energy savings from other components, then the corresponding permit application (e.g., plumbing, boiler, etc.) shall also be submitted and approved prior to the building permit application. Otherwise, components of the project that would not be approved as part of a building permit application shall be modeled the same in both the proposed building and the *standard reference design* and shall comply with the requirements of this code.

**Table C407.2**

**Mandatory Compliance Measures for Total Building Performance Method**

<u>Section</u>	<u>Title</u>	<u>Comments</u>
<b>Envelope</b>		
<u>C402.5</u>	<u>Air leakage</u>	
<b>Mechanical</b>		
<u>C403.1.2</u>	<u>Calculation of heating and cooling loads</u>	
<u>C403.1.3</u>	<u>Data centers</u>	
<u>C403.2</u>	<u>System design</u>	
<u>C403.3.1</u>	<u>Equipment and system sizing</u>	

<u>Section</u>	<u>Title</u>	<u>Comments</u>
<u>C403.3.2</u>	<u>HVAC equipment performance requirements</u>	
<u>C403.3.6</u>	<u>Ventilation for Group R occupancy</u>	
<u>C403.4</u>	<u>HVAC system controls</u>	
<u>C403.4.1</u>	<u>Thermostatic controls</u>	<u>Except for C403.4.1.4</u>
<u>C403.4.2</u>	<u>Off-hour controls</u>	<u>Except for Group R</u>
<u>C403.4.7</u>	<u>Combustion heating equipment controls</u>	
<u>C403.4.8</u>	<u>Group R-1 hotel/motel guestrooms</u>	<u>See Section C403.7.6</u>
<u>C403.4.9</u>	<u>Group R-2 and R-3 dwelling units</u>	
<u>C403.4.10</u>	<u>Group R-2 sleeping units</u>	
<u>C403.4.11</u>	<u>Direct digital control systems</u>	
<u>C403.5.5</u>	<u>Economizer fault detection and diagnostics (FDD)</u>	
<u>C403.7</u>	<u>Ventilation and exhaust systems</u>	<u>Except for C403.7.6</u>
<u>C403.8</u>	<u>Fan and fan controls</u>	
<u>C403.9.1.1</u>	<u>Variable flow controls</u>	<u>For cooling tower fans ≥ 7.5 hp</u>
<u>C403.9.1.2</u>	<u>Limitation on centrifugal fan cooling towers</u>	<u>For open cooling towers</u>
<u>C403.10</u>	<u>Construction of HVAC elements</u>	
<u>C403.11</u>	<u>Mechanical systems located outside of the building thermal envelope</u>	
<b><u>Service Water Heating</u></b>		
<u>C404</u>	<u>Service water heating</u>	
<b><u>Lighting and Electrical</u></b>		
<u>C405.1</u>	<u>General</u>	
<u>C405.2</u>	<u>Lighting controls</u>	
<u>C405.3</u>	<u>Exit signs</u>	
<u>C405.4</u>	<u>Interior lighting power</u>	
<u>C405.5</u>	<u>Exterior building lighting power</u>	
<u>C405.6</u>	<u>Electrical transformers</u>	
<u>C405.7</u>	<u>Dwelling unit energy consumption</u>	

<u>Section</u>	<u>Title</u>	<u>Comments</u>
<u>C405.8</u>	<u>Electric motor efficiency</u>	
<u>C405.9</u>	<u>Vertical and horizontal transportation</u>	
<u>C405.10</u>	<u>Controlled receptacles</u>	
<u>C405.11</u>	<u>Voltage drop in feeders</u>	
<b><u>Other Requirements</u></b>		
<u>C407</u>	<u>Total building performance</u>	
<u>C408</u>	<u>System commissioning</u>	
<u>C409</u>	<u>Energy metering</u>	
<u>C410</u>	<u>Refrigeration requirements</u>	

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40703 Section C407.3—Performance-based compliance.**

**C407.3 Performance-based compliance.** Compliance ((based on total building performance requires that a proposed building (*proposed design*) be shown to have an annual energy consumption based on site energy expressed in Btu and Btu per square foot of *conditioned floor area* that complies with one of the following three options:

1. Is less than or equal to 87 percent of the annual energy consumption of the *standard reference design*.

2. Is less than or equal to 90 percent of the annual energy consumption of the *standard reference design* and the project complies with one additional energy efficiency package option in Section C406. The *standard reference design* shall include the selected Section C406 additional efficiency package option unless the option selected is DOAS per Section C406.6. For office, retail, education, libraries and fire stations that comply with the DOAS requirements in Section C403.6 with or without exceptions, the *standard reference design* shall select the HVAC system per Table C407.5.1(2). Other building occupancy types that comply with the DOAS requirements in Section C403.6 shall select the *standard reference design* for the HVAC system from Table C407.5.1(3).

3. Is less than or equal to 93 percent of the annual energy consumption of the *standard reference design* and the project complies with two additional efficiency package options in Section C406. The *standard reference design* shall include the selected Section C406 additional efficiency package option unless the option selected is DOAS per Section C406.6. For office, retail, education, libraries and fire stations that comply with the DOAS requirements in Section C403.6 with or without exceptions, the *standard reference design* shall select the HVAC system per Table C407.5.1(2). Other building occupancy types that comply with the DOAS requirements in Section C403.6 shall select the *standard reference design* for the HVAC system from Table C407.5.1(3-)) with this section requires compliance with ASHRAE Standard 90.1 Appendix G, Performance Rating

Method, in accordance with Standard 90.1 Section 4.2.1 with the following modifications:

1. The mandatory requirements of Section G1.2.1a of Standard 90.1 are not required to be met.
2. The reduction in annual carbon emissions of the proposed building design associated with on-site renewable energy shall not be more than 3 percent of the total carbon emissions of the baseline building design.
3. References to energy cost in Section 4.2.1.1 and Appendix G shall be replaced by carbon emissions calculated by multiplying site energy consumption by the carbon emission factor from Table C407.3(1).
4. The building performance factors in Table C4.2.1.1 shall be replaced with those in Table C407.3(2).

**C407.3.1 Limits on nonmandatory measures.** The Proposed Total Envelope UA of the proposed building shall be no more than 20 percent higher than the Allowed Total Envelope UA as defined in Section C402.1.5.

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40704 Section C407.4—((Documentation)) Reserved.**

~~((C407.4 Documentation. Documentation verifying that the methods and accuracy of compliance software tools conform to the provisions of this section shall be provided to the code official.~~

**C407.4.1 Compliance report.** Building permit submittals shall include a report that documents that the proposed design has annual energy consumption less than or equal to the annual energy consumption of the standard reference design. The compliance documentation shall include the following information:

1. Address of the building;
2. An inspection checklist documenting the building component characteristics of the proposed design as listed in Table C407.5.1(1). The inspection checklist shall show the estimated annual energy consumption for both the standard reference design and the proposed design;
3. Name of individual completing the compliance report; and
4. Name and version of the compliance software tool.

**C407.4.2 Additional documentation.** The code official shall be permitted to require the following documents:

1. Documentation of the building component characteristics of the standard reference design;
2. Thermal zoning diagrams consisting of floor plans showing the thermal zoning scheme for standard reference design and proposed design;
3. Input and output report(s) from the energy analysis simulation program containing the complete input and output files, as applicable. The output file shall include energy use totals and energy use by energy source and end use served, total hours that space-conditioning loads are not met and any errors or warning messages generated by the simulation tool as applicable;

4. An explanation of any error or warning messages appearing in the simulation tool output; and

5. A certification signed by the builder providing the building component characteristics of the proposed design as given in Table C407.5.1(1).))

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40705 Section C407.5—((Calculation procedure)) Reserved.**

~~((C407.5 Calculation procedure. Except as specified by this section, the standard reference design and proposed design shall be configured and analyzed using identical methods and techniques.~~

**C407.5.1 Building specifications.** The standard reference design and proposed design shall be configured and analyzed as specified by Table C407.5.1(1). Table C407.5.1(1) shall include by reference all notes contained in Table C402.1.4.

**C407.5.2 Thermal blocks.** The standard reference design and proposed design shall be analyzed using identical thermal blocks as specified in Section C407.5.2.1, C407.5.2.2 or C407.5.2.3.

**C407.5.2.1 HVAC zones designed.** Where HVAC zones are defined on HVAC design drawings, each HVAC zone shall be modeled as a separate thermal block.

**EXCEPTION:** Different HVAC zones shall be allowed to be combined to create a single thermal block or identical thermal blocks to which multipliers are applied provided:

1. The space use classification is the same throughout the thermal block.
2. All HVAC zones in the thermal block that are adjacent to glazed exterior walls face the same orientation or their orientations are within 45 degrees (0.79 rad) of each other.
3. All of the zones are served by the same HVAC system or by the same kind of HVAC system.

**C407.5.2.2 HVAC zones not designed.** Where HVAC zones have not yet been designed, thermal blocks shall be defined based on similar internal load densities, occupancy, lighting, thermal and temperature schedules, and in combination with the following guidelines:

1. Separate thermal blocks shall be assumed for interior and perimeter spaces. Interior spaces shall be those located more than 15 feet (4572 mm) from an exterior wall. Perimeter spaces shall be those located closer than 15 feet (4572 mm) from an exterior wall.

2. Separate thermal blocks shall be assumed for spaces adjacent to glazed exterior walls: A separate zone shall be provided for each orientation, except orientations that differ by no more than 45 degrees (0.79 rad) shall be permitted to be considered to be the same orientation. Each zone shall include floor area that is 15 feet (4572 mm) or less from a glazed perimeter wall, except that floor area within 15 feet (4572 mm) of glazed perimeter walls having more than one orientation shall be divided proportionately between zones.

3. Separate thermal blocks shall be assumed for spaces having floors that are in contact with the ground or exposed

to ambient conditions from *zones* that do not share these features:

4. Separate thermal blocks shall be assumed for spaces having exterior ceiling or roof assemblies from *zones* that do not share these features:

**C407.5.2.3 Multifamily residential buildings.** Residential spaces shall be modeled using one thermal block per space except that those facing the same orientations are permitted to be combined into one thermal block. Corner units and units with roof or floor loads shall only be combined with units sharing these features:

**C407.5.3 Equipment efficiencies.** All HVAC equipment in the standard reference design shall be modeled at the minimum efficiency levels, both part load and full load, in accordance with Section C403.2.3. Chillers shall use Path A efficiencies as shown in Table C403.2.3(7). Where efficiency ratings include supply fan energy, the efficiency rating shall be adjusted to remove the supply fan energy. For Baseline Systems HVAC Systems 3, 4, 6, 8, 9, 10 and 11, calculate the minimum COP<sub>nfcooling</sub> and COP<sub>nfheating</sub> using the equation for the applicable performance rating as indicated in Tables C403.2.3(1) through C403.2.3(3). Where a full and part load efficiency rating is provided in Tables C403.2.3(1) through C403.2.3(3), use Equation 4-12.

**(Equation 4-12)**

$$COP_{nfcooling} = 7.84E-8 \times EER \times Q + 0.338 \times EER$$

$$COP_{nfcooling} = 0.0076 \times SEER^2 + 0.3796 \times SEER$$

$$COP_{nfheating} = 1.48E-7 \times COP_{47} \times Q + 1.062 \times$$

COP<sub>47</sub>(applies to heat pump heating efficiencies only)

$$COP_{nfheating} = -0.0296 \times HSPF^2 + 0.7134 \times HSPF$$

Where:

COP<sub>nfcooling</sub> = The packaged HVAC equipment cooling energy efficiency.

COP<sub>nfheating</sub> = The packaged HVAC equipment heating energy efficiency.

Q = The AHRI rated cooling capacity in Btu/h.

EER, SEER, COP and HSPF shall be at AHRI test conditions. Fan energy shall be modeled separately according to Table C407.5.1(1).)

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-407051 Tables ((C407.5.1(1) Specifications for the standard reference and proposed design) for Section C407.5—Carbon emissions factors and building performance factors.**

**((Table C407.5.1(1)**

**Specifications for the Standard Reference and Proposed Designs**

<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
Space use classification	Same as proposed	The space use classification shall be chosen in accordance with Table C405.4.2 for all areas of the building covered by this permit. Where the space use classification for a building is not known, the building shall be categorized as an office building.
Roofs	Type: Insulation entirely above deck Gross area: Same as proposed U-factor: From Table C402.1.4 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed As proposed
Walls, above grade	Type: Mass wall if proposed wall is mass; otherwise steel-framed wall Gross area: Same as proposed U-factor: From Table C402.1.4 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed
Walls, below grade	Type: Mass wall Gross area: Same as proposed U-Factor: From Table C402.1.4 with insulation layer on interior side of walls	As proposed As proposed As proposed

<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
Floors, above-grade	Type: Joist/framed floor Gross area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Floors, slab on grade	Type: Unheated F-factor: From Table C402.1.4	As proposed As proposed
Opaque Doors	Type: Swinging Area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Vertical Fenestration Other than opaque doors	Area 1. The proposed vertical fenestration area; where the proposed vertical fenestration area is less than 30 percent of above-grade wall area. 2. 30 percent of above-grade wall area; where the proposed vertical fenestration area is 30 percent or more of the above-grade wall area. U-factor: From Table C402.4 for the same framing material as proposed SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used External shading and PF: None	As proposed As proposed As proposed As proposed
Skylights	Area 1. The proposed skylight area; where the proposed skylight area is less than 3 percent of gross area of roof assembly. 2. 3 percent of gross area of roof assembly; where the proposed skylight area is 3 percent or more of gross area of roof assembly. U-factor: From Table C402.4 SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used	As proposed As proposed As proposed
Air leakage	For infiltration, the air leakage rate as determined below shall be modeled at 100% when the building fan system is off, and at 25% when the building fan system is on, unless otherwise approved by the building official for unusually pressurized buildings. Per PNNL Report 18898, Infiltration Modeling Guidelines for Commercial Building Energy Analysis, the building air leakage rates as determined in accordance with Section C402.5.1.2 at 0.30 in. w.g. (75 Pa) shall be converted for modeling in annual energy analysis programs by being multiplied by 0.112 unless other multipliers are approved by the building official (e.g., a tested air leakage of 0.40 cfm/ft <sup>2</sup> of total building envelope area at 0.30 in. w.g. (75 Pa) would be calculated at 0.045 cfm/ft <sup>2</sup> of building envelope area). The calculated infiltration rate shall be normalized to the input required by the modeling software.	The Proposed Design air leakage rate shall be the same as the Standard Design.

<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
Lighting, interior	<p>The interior lighting power shall be determined in accordance with Table C405.4.2. As proposed when the occupancy of the space is not known.</p> <p>Automatic lighting controls (e.g., programmable controls or automatic controls for daylight utilization) shall be modeled in <i>the standard reference design</i> as required by Section C405.</p>	As proposed; where the occupancy of the space is not known, the lighting power density shall be based on the space classification as offices in Table C405.4.2(1).
Lighting, exterior	The lighting power shall be determined in accordance with Table C405.5.2(2). Areas and dimensions of tradable and nontradable surfaces shall be the same as proposed.	As proposed
Internal gains	Same as proposed	Receptacle, motor and process loads shall be modeled and estimated based on the space use classification. All end-use load components within and associated with the building shall be modeled to include, but not be limited to, the following: Exhaust fans, parking garage ventilation fans, exterior building lighting, swimming pool heaters and pumps, elevators, escalators, refrigeration equipment and cooking equipment.
Schedules	Same as proposed	Operating schedules shall include hourly profiles for daily operation and shall account for variations between weekdays, weekends, holidays and any seasonal operation. Schedules shall model the time dependent variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads. The schedules shall be typical of the proposed building type as determined by the designer and approved by the jurisdiction.
Outdoor airflow rates	<p>Same as proposed, or no higher than those allowed by Section C403.2.6 (without exception 1), whichever is less.</p> <p>Demand-control ventilation: Shall be modeled as required by Section C403.6 including reduction to the minimum ventilation rate when unoccupied.</p>	<p>As proposed, in accordance with Section C403.2.6.</p> <p>As proposed</p>
Heating systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type*: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p>	<p>As proposed</p> <p>As proposed</p>

<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
	<p>Efficiency: From Tables C403.2.3(2), C403.2.3(3), C403.2.3(4) and C403.2.3(5)</p> <p>Preheat coils: For HVAC system numbers 1 through 4, a preheat coil shall be modeled controlled to a fixed setpoint 20°F less than the design room heating temperature setpoint.</p> <p>Capacity<sup>b</sup>: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet heating load hours and no larger heating capacity safety factors are provided than in the proposed design.</p> <p>Weather conditions used in sizing runs to determine <i>standard reference design</i> equipment capacities may be based either on hourly historical weather files containing typical peak conditions or on design days developed using 99.6% heating design temperatures and 1% dry-bulb and 1% wet-bulb cooling design temperatures.</p>	<p>As proposed</p> <p>As proposed</p>
Cooling systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type<sup>c</sup>: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p> <p>Efficiency: From Tables C403.2.3(1), C403.2.3(2) and C403.2.3(3). Chillers shall use Path A efficiency.</p> <p>Capacity<sup>b</sup>: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet cooling load hours and no larger cooling capacity safety factors are provided than in the proposed design.</p> <p>Economizer<sup>d</sup>: In accordance with Section C403.3. The high-limit shutoff shall be a dry-bulb switch with a setpoint as determined by Table C403.3.3.3.</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Energy recovery	<i>Standard reference design</i> systems shall be modeled where required in Section C403.5.	As proposed

<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
Fan systems	<p>Airflow rate: System design supply airflow rates for the <i>standard reference design</i> shall be based on a supply air to room air temperature difference of 20°F or the required ventilation air or makeup air, whichever is greater. If return or relief fans are specified in the proposed design, the <i>standard reference design</i> shall also be modeled with fans serving the same functions and sized for the <i>standard reference design</i> system supply fan air quantity less the minimum outdoor air, or 90% of the supply fan air quantity, whichever is larger.</p> <p>Motor brake horsepower: System fan electrical power for supply, return, exhaust, and relief (excluding power to fan powered VAV boxes) shall be calculated using the following formulas:                      For systems 5, 7, 8 and 10 in Table C407.5.1(4),  <math>P_{fan} = CFM_s \times 0.3</math>                      For all other systems, including DOAS,  <math>P_{fan} = bhp \times 746 / \text{Fan Motor Efficiency}</math>                      Where:  <math>P_{fan}</math> = Electric power to fan motor (watts)  <math>bhp</math> = Brake horsepower of <i>standard reference design</i> fan motor from Table C403.2.12.1(1) – Option 2                      Fan motor = The efficiency from Tables C405.8(1) through C405.8(4) for the efficiency next motor size greater than the bhp using the enclosed motor at 1800 rpm  <math>CFM_s</math> = The <i>standard reference design</i> system maximum design supply fan airflow rate in cfm.</p>	<p>As proposed</p> <p>As proposed</p>
On-site renewable energy	No on-site renewable energy shall be modeled in the <i>standard reference design</i> .	As proposed
Shading from adjacent structures/terrain	Same as proposed.	For the <i>standard reference design</i> and the proposed building, shading by permanent structures and terrain shall be taken into account for computing energy consumption whether or not these features are located on the building site. A permanent fixture is one that is likely to remain for the life of the proposed design.
Service water heating	<p>Fuel type: Same as proposed</p> <p>Efficiency: From Table C404.2 and per Section C404.2.1</p> <p>Capacity: Same as proposed</p>	<p>As proposed</p> <p>As proposed</p>
	Demand: Same as proposed	Service hot water energy consumption shall be calculated explicitly based upon the volume of service hot water required and the entering makeup water and the leaving service hot water temperatures. Entering water temperatures shall be estimated based upon the



<b>Building Component Characteristics</b>	<b>Standard Reference Design</b>	<b>Proposed Design</b>
		location. Leaving temperatures shall be based upon the end-use requirements. Service water loads and usage shall be the same for both the <i>standard reference design</i> and the proposed design and shall be documented by the calculation procedures recommended by the manufacturer's specifications or generally accepted engineering methods.
	Where no service water hot water system exists or is specified in the proposed design, no service hot water heating shall be modeled. Drain water heat recovery: Not required.	As proposed  As proposed Drain water heat recovery modeling shall take into account manufacturer's rated efficiencies per C404.9, quantity of connected drains, the proportional flow rates between the waste stream and the preheated stream. Reductions in service water heating energy use for drain water heat recovery shall be demonstrated by calculations.

- a Where no heating system exists or has been specified, the heating system shall be modeled as fossil fuel. The system characteristics shall be identical in both the standard reference design and proposed design.
- b The ratio between the capacities used in the annual simulations and the capacities determined by sizing runs shall be the same for both the standard reference design and proposed design.
- c Where no cooling system exists or no cooling system has been specified, the cooling system shall be modeled as an air-cooled single-zone system, one unit per thermal zone. The system characteristics shall be identical in both the standard reference design and proposed design.
- d If an economizer is required in accordance with Section C403.3 and where no economizer exists or is specified in the proposed design, then an air economizer shall be provided in the standard reference design in accordance with Section C403.3.))

**Table C407.3(1)  
Carbon Emissions Factors**

<b>Type</b>	<b>CO<sub>2</sub>e (lb/unit)</b>	<b>Unit</b>
<u>Electricity</u>	<u>0.70</u>	<u>kWh</u>
<u>Natural Gas</u>	<u>11.7</u>	<u>Therm</u>
<u>Oil</u>	<u>19.2</u>	<u>Gallon</u>
<u>Propane</u>	<u>10.5</u>	<u>Gallon</u>
<u>Other<sup>a</sup></u>	<u>195.00</u>	<u>mmBtu</u>
<u>On-site renewable energy</u>	<u>0.00</u>	

<sup>a</sup> District energy systems may use alternative emissions factors supported by calculations approved by the code official.

**Table C407.3(2)  
Building Performance Factors (BPF) to be used for Compliance with Section C407.3**

<b>Building Area Type</b>	<b>Building Performance Factor</b>
<u>Multifamily</u>	<u>0.58</u>
<u>Healthcare/hospital</u>	<u>0.54</u>
<u>Hotel/motel</u>	<u>0.64</u>
<u>Office</u>	<u>0.56</u>
<u>Restaurant</u>	<u>0.70</u>
<u>Retail</u>	<u>0.47</u>
<u>School</u>	<u>0.36</u>
<u>Warehouse</u>	<u>0.48</u>
<u>All others</u>	<u>0.54</u>

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-407052 ((Table C407.5.1(2)/(3) — HVAC systems map.)) Reserved.**

**((Table C407.5.1(2)**

**HVAC Systems Map for Buildings Governed by Section C403.6<sup>d</sup>**

<b>Condenser Cooling Source<sup>a</sup></b>	<b>Heating System Classification<sup>b</sup></b>	<b>Standard Reference Design HVAC System Type</b>
Water/ground	Electric resistance	System 5
	Heat pump	System 6
	Fossil fuel	System 7
Air/none	Electric resistance	System 9
	Heat pump	System 9
	Fossil fuel	System 11

- <sup>a</sup> Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).
- <sup>b</sup> Systems utilizing district heating (steam or hot water) or district cooling and systems with no heating capability shall be treated as if the heating system type were "fossil fuel" for the purpose of Standard Reference Design HVAC system selection. Otherwise, select the path that corresponds to the proposed design heat source: Electric resistance, heat pump (including air source and water source), or fuel fired. For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard reference design* HVAC system type.
- <sup>c</sup> Reserved.
- <sup>d</sup> This table covers those building types required by Section C403.6 to install Dedicated Outdoor Air Systems: Office, retail, education, libraries and fire stations.

**Table C407.5.1(3)**

**HVAC Systems Map for All Other Buildings**

<b>Condenser Cooling Source<sup>a</sup></b>	<b>Heating System Classification<sup>b</sup></b>	<b>Standard Reference Design HVAC System Type<sup>c</sup></b>		
		<b>Single-Zone Residential System</b>	<b>Single-Zone Nonresidential System</b>	<b>All Other</b>
Water/ground	Electric resistance	System 5	System 5	System 1
	Heat pump	System 6	System 6	System 6
	Fossil fuel	System 7	System 7	System 2
Air/none	Electric resistance	System 8	System 9	System 3
	Heat pump	System 8	System 9	System 3
	Fossil fuel	System 10	System 11	System 4

- <sup>a</sup> Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).
- <sup>b</sup> Systems utilizing district heating (steam or hot water) or district cooling and systems with no heating capability shall be treated as if the heating system type were "fossil fuel" for the purpose of Standard Reference Design HVAC system selection. Otherwise, select the path that corresponds to the proposed design heat source: Electric resistance, heat pump (including air source and water source), or fuel fired. For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard reference design* HVAC system type.
- <sup>c</sup> Select the *standard reference design* HVAC system category: The system under "single-zone Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves a residential space. The system under "single-zone other than Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves other than Group R spaces. The system under "all other" shall be selected for all other cases.))

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-407053 ((Table C407.5.1(4) — Specifications for the standard reference design HVAC system description.)) Reserved.

((Table C407.5.1(4)

**Specifications for the Standard Reference Design HVAC System Descriptions**

System No.	System Type	Fan Control	Cooling Type	Heating Type
1	Variable air volume with parallel fan-powered boxes <sup>a</sup>	VAV <sup>d</sup>	Chilled water <sup>e</sup>	Electric resistance
2	Variable air volume with reheat <sup>b</sup>	VAV <sup>d</sup>	Chilled water <sup>e</sup>	Hot water fossil fuel boiler <sup>f</sup>
3	Packaged variable air volume with parallel fan-powered boxes <sup>a</sup>	VAV <sup>d</sup>	Direct expansion <sup>e</sup>	Electric resistance
4	Packaged variable air volume with reheat <sup>b</sup>	VAV <sup>d</sup>	Direct expansion <sup>e</sup>	Hot water fossil fuel boiler <sup>f</sup>
5	Two-pipe fan coil	Constant volume <sup>g</sup>	Chilled water <sup>e</sup>	Electric resistance
6	Water-source heat pump	Constant volume <sup>g</sup>	Direct expansion <sup>e</sup>	Electric heat pump and boiler <sup>h</sup>
7 <sup>k</sup>	Four-pipe fan coil	Constant volume <sup>g</sup>	Chilled water <sup>e</sup>	Hot water fossil fuel boiler <sup>f</sup>
8 <sup>k</sup>	Packaged terminal heat pump	Constant volume <sup>g</sup>	Direct expansion <sup>e</sup>	Electric heat pump <sup>h</sup>
9 <sup>k</sup>	Packaged rooftop heat pump	Constant volume <sup>g</sup>	Direct expansion <sup>e</sup>	Electric heat pump <sup>h</sup>
10 <sup>k</sup>	Packaged terminal air conditioner	Constant volume <sup>g</sup>	Direct expansion	Hot water fossil fuel boiler <sup>f</sup>
11 <sup>k</sup>	Packaged rooftop air conditioner	Constant volume <sup>g</sup>	Direct expansion	Fossil fuel furnace

For SI: 1 foot = 304.8 mm, 1 cfm/ft<sup>2</sup> = 0.0004719, 1 Btu/h = 0.293/W, °C = [(°F) - 32]/1.8].

- a. **VAV with parallel boxes:** Fans in parallel VAV fan-powered boxes shall be sized for 50 percent of the peak design flow rate and shall be modeled with 0.35 W/cfm fan power. Minimum volume setpoints for fan-powered boxes shall be equal to the minimum rate for the space required for ventilation consistent with Section C403.4.4, Exception 4. Supply air temperature shall be reset based on zone demand. Design airflow rates shall be sized for the maximum reset supply air temperature. The air temperature for cooling shall be reset higher by 5°F under the minimum cooling load conditions.
- b. **VAV with reheat:** Minimum volume setpoints for VAV reheat boxes shall be 0.4 cfm/ft<sup>2</sup> of floor area. Supply air temperature shall be reset based on zone demand. Design airflow rates shall be sized for the maximum reset supply air temperature. The air temperature for cooling shall be reset higher by 5°F under the minimum cooling load conditions.
- e. **Direct expansion:** The fuel type for the cooling system shall match that of the cooling system in the proposed design.
- d. **VAV:** When the proposed design system has a supply, return or relief fan motor horsepower (hp) requiring variable flow controls as required by Section C403.2.11.5, the corresponding fan in the VAV system of the standard reference design shall be modeled assuming a variable speed drive. For smaller fans, a forward-curved centrifugal fan with inlet vanes shall be modeled. If the proposed design's system has a direct digital control system at the zone level, static pressure setpoint reset based on zone requirements in accordance with Section C403.4.1 shall be modeled.
- e. **Chilled water:** For systems using purchased chilled water, the chillers are not explicitly modeled. Otherwise, the standard reference design's chiller plant shall be modeled with chillers having the number as indicated in Table C407.5.1(5) as a function of standard reference building chiller plant load and type as indicated in Table C407.5.1(6) as a function of individual chiller load. Where chiller fuel source is mixed, the system in the standard reference design shall have chillers with the same fuel types and with capacities having the same proportional capacity as the proposed design's chillers for each fuel type. Chilled water supply temperature shall be modeled at 44°F design supply temperature and 56°F return temperature. Piping losses shall not be modeled in either building model. Chilled water supply water temperature shall be reset in accordance with Section C403.4.2.4. Pump system power for each pumping system shall be the same as the proposed design; if the proposed design has no chilled water pumps, the standard reference design pump power shall be 22 W/gpm (equal to a pump operating against a 75-foot head, 65-percent combined impeller and motor efficiency). The chilled water system shall be modeled as primary-only variable flow with flow maintained at the design rate through each chiller using a bypass. Chilled water pumps shall be modeled as riding the pump curve or with variable-speed drives when required in Section C403.4.2.4. The heat rejection device shall be an axial fan cooling tower with variable speed fans if required in Section C403.4.3. Condenser water design supply temperature shall be 85°F or 10°F approach to design wet-bulb temperature, whichever is lower, with a design temperature rise of 10°F. The tower shall be controlled to maintain a 70°F leaving water temperature where weather permits, floating up to leaving water temperature at design conditions. Pump system power

for each pumping system shall be the same as the proposed design; if the proposed design has no condenser water pumps, the standard reference design pump power shall be 19 W/gpm (equal to a pump operating against a 60-foot head, 60-percent combined impeller and motor efficiency). Each chiller shall be modeled with separate condenser water and chilled water pumps interlocked to operate with the associated chiller.

- f **Fossil fuel boiler:** For systems using purchased hot water or steam, the boilers are not explicitly modeled. Otherwise, the boiler plant shall use the same fuel as the proposed design and shall be natural draft. The standard reference design boiler plant shall be modeled with a single boiler if the standard reference design plant load is 600,000 Btu/h and less and with two equally sized boilers for plant capacities exceeding 600,000 Btu/h. Boilers shall be staged as required by the load. Hot water supply temperature shall be modeled at 180°F design supply temperature and 130°F return temperature. Piping losses shall not be modeled in either building model. Hot water supply water temperature shall be reset in accordance with Section C403.4.2.4. Pump system power for each pumping system shall be the same as the proposed design; if the proposed design has no hot water pumps, the standard reference design pump power shall be 19 W/gpm (equal to a pump operating against a 60-foot head, 60-percent combined impeller and motor efficiency). The hot water system shall be modeled as primary only with continuous variable flow. Hot water pumps shall be modeled as riding the pump curve or with variable speed drives when required by Section C403.4.2.4.
- g **Electric heat pump and boiler:** Water-source heat pumps shall be connected to a common heat pump water loop controlled to maintain a heating setpoint of 60°F and cooling setpoint of 90°F. Heat rejection from the loop shall be provided by an axial fan closed-circuit evaporative fluid cooler with variable speed fans if required in Section C403.4.2.1 or C403.2.13. Heat addition to the loop shall be provided by a boiler that uses the same fuel as the proposed design and shall be natural draft. If no boilers exist in the proposed design, the standard reference building boilers shall be fossil fuel. The standard reference design boiler plant shall be modeled with a single boiler if the standard reference design plant load is 600,000 Btu/h or less and with two equally sized boilers for plant capacities exceeding 600,000 Btu/h. Boilers shall be staged as required by the load. Piping losses shall not be modeled in either building model. Pump system power shall be the same as the proposed design; if the proposed design has no pumps, the standard reference design pump power shall be 22 W/gpm, which is equal to a pump operating against a 75-foot head, with a 65-percent combined impeller and motor efficiency. Loop flow shall be variable with flow shutoff at each heat pump when its compressor cycles off as required by Section C403.4.2.3. Loop pumps shall be modeled as riding the pump curve or with variable speed drives when required by Section C403.4.2.4.
- h **Electric heat pump:** Electric air-source heat pumps shall be modeled with electric auxiliary heat and an outdoor air thermostat. The system shall be controlled to energize auxiliary heat only when outdoor air temperature is less than 40°F. The air-source heat pump shall be modeled to continue to operate while auxiliary heat is energized. The air-source heat pump shall be modeled to operate down to a minimum outdoor air temperature of 35°F for System No. 8 or 0°F for System No. 9. If the Proposed Design utilizes the same system type as the Standard Design (PTHP or PSZ-HP), the Proposed Design shall be modeled with the same minimum outdoor air temperature for heat pump operation as the Standard Design. For temperatures below the stated minimum outdoor air temperatures, the electric auxiliary heat shall be controlled to provide the full heating load.
- i **Constant volume:** For building types governed by Section C403.6, fans shall be controlled to cycle with load; i.e., fan operation cycled on calls for heating and cooling. If the fan is modeled as cycling and the fan energy is included in the energy efficiency rating of the equipment, fan energy shall not be modeled explicitly. For all other buildings, fans shall be controlled in the same manner as in the proposed design; i.e., fan operation whenever the space is occupied or fan operation cycled on calls for heating and cooling. If the fan is modeled as cycling and the fan energy is included in the energy efficiency rating of the equipment, fan energy shall not be modeled explicitly.
- j **Fan speed control:** Fans shall operate as one- or two-speed as required by Section C403.2.11.5, regardless of the fan speed control used in the proposed building.
- k **Outside air:** For building types governed by Section C403.6, outside air shall be supplied by a separate dedicated outside air system (DOAS) operating in parallel with terminal equipment. The terminal equipment fan system cycle calls for heating and cooling. DOAS shall include an Energy Recovery Ventilation System with a minimum effectiveness in accordance with Section C403.5.))

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-407054** (~~Table C407.5.1(5) Number of chillers.~~) Reserved.

~~((Table C407.5.1(5) Number of Chillers~~

Total Chiller Plant Capacity	Number of Chillers
≤ 300 tons	1
> 300 tons, < 600 tons	2, sized equally
≥ 600 tons	2 minimum, with chillers added so that no chiller is larger than 800 tons, all sized equally

For SI: 1-ton=3517-W.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-407055** (~~Table C407.5.1(6) Water chiller types.~~) Reserved.

~~((Table C407.5.1(6) Water Chiller Types~~

Individual Chiller Plant Capacity	Electric Chiller Type	Fossil Fuel Chiller Type
≤ 100 tons	Water-cooled Reciprocating	Single-effect absorption, direct fired
> 100 tons, < 300 tons	Water-cooled Screw	Double-effect absorption, direct fired
≥ 300 tons	Water-cooled Centrifugal	Double-effect absorption, direct fired

For SI: 1-ton=3517-W.)

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40706 Section C407.6—(~~Calculation software tool~~) Reserved.**

~~((C407.6 Calculation software tools. Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the *standard reference design* and the *proposed design* and shall include the following capabilities:~~

- ~~1. Building operation for a full calendar year (8,760 hours);~~
- ~~2. Climate data for a full calendar year (8,760 hours) and shall reflect *approved* coincident hourly data for temperature, solar radiation, humidity and wind speed for the building location;~~
- ~~3. Ten or more thermal zones;~~
- ~~4. Thermal mass effects;~~
- ~~5. Hourly variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads;~~
- ~~6. Part-load performance curves for mechanical equipment;~~
- ~~7. Capacity and efficiency correction curves for mechanical heating and cooling equipment;~~
- ~~8. Printed *code official* inspection checklist listing each of the *proposed design* component characteristics from Table C407.5.1(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g., *R*-value, *U*-factor, SHGC, HSPF, AFUE, SEER, EF, etc.);~~
- ~~9. Air-side economizers with integrated control;~~
- ~~10. *Standard reference design* characteristics specified in Table C407.5.1(1).~~

~~**C407.6.1 Specific approval.** Performance analysis tools meeting the applicable subsections of Section C407 and tested according to ASHRAE Standard 140 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.~~

~~**C407.6.2 Input values.** Where calculations require input values not specified by Sections C402, C403, C404 and C405, those input values shall be taken from an *approved* source.~~

~~**C407.6.3 Exceptional calculation methods.** Where the *simulation program* does not model a design, material, or device of the *proposed design*, an Exceptional Calculation Method shall be used where approved by the *code official*. Where there are multiple designs, materials, or devices that the *simulation program* does not model, each shall be calculated separately and Exceptional Savings determined for each. The total Exceptional Savings shall not constitute more than half of the difference between the *baseline building performance* and the *proposed building performance*. Applications for approval of an exceptional method shall include:~~

- ~~1. Step-by-step documentation of the Exceptional Calculation Method performed detailed enough to reproduce the results;~~

~~2. Copies of all spreadsheets used to perform the calculations;~~

~~3. A sensitivity analysis of *energy* consumption when each of the input parameters is varied from half to double the value assumed;~~

~~4. The calculations shall be performed on a time step basis consistent with the *simulation program* used;~~

~~5. The *Performance Rating* calculated with and without the Exceptional Calculation Method;))~~

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40801 Section C408.1—General.**

**C408.1 General.** A building commissioning process led by a *certified commissioning professional* and *functional testing requirements* shall be completed for mechanical (~~(and refrigeration)~~) systems in Section((s)) C403 (~~(and C410)~~); service water heating systems in Section C404(~~(, electrical power)~~); controlled receptacle and lighting control systems in Section C405 ((and)); equipment, appliances and systems installed to comply with Sections C406 or C407; energy metering in Section C409; and refrigeration systems in Section C410.

EXCEPTION: Buildings, or portions thereof, which are exempt from Sections C408.2 through ((C408.6)) C408.7 may be excluded from the commissioning process.

1. Mechanical systems are exempt from the commissioning process where the building's total mechanical equipment capacity is less than 240,000 Btu/h cooling capacity and less than 300,000 Btu/h heating capacity.

2. Service water heating systems are exempt from the commissioning process in buildings where the largest service water heating system capacity is less than 200,000 Btu/h and where there are no pools or permanent spas.

3. Lighting control systems are exempt from the commissioning process in buildings where both the total installed lighting load is less than 20 kW and the lighting load controlled by occupancy sensors or automatic day-lighting controls is less than 10 kW.

4. Refrigeration systems are exempt from the commissioning process in buildings if they are limited to self-contained units.

**C408.1.1 Commissioning in construction documents.** Construction documents (~~(notes)~~) shall clearly indicate provisions for commissioning (~~(and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements))~~ process. The construction documents shall minimally include the following:

1. A narrative description of the activities that will be accomplished during the commissioning process. At a minimum, the commissioning process is required to include:

1.1. Development and execution of the commissioning plan, including all subsections of Section C408.1.2;

1.2. The *certified commissioning professional's* review of the building documentation and close out submittals in accordance with Section C103.6; and

1.3. The commissioning report in accordance with Section C408.1.3.

2. Roles, responsibilities, and required qualifications of the *certified commissioning professional*.

3. A listing of the specific equipment, appliances, or systems to be tested.

**C408.1.2 Commissioning plan.** A commissioning plan shall be developed by the project's certified commissioning professional and shall outline the organization, schedule, allocation of resources, and documentation requirements of the commissioning process. ~~((Items 1 through 4 shall be included with the construction documents, and items 5 through 8 shall be submitted prior to the first mechanical inspection. For projects where no mechanical inspection is required, items 5 through 8 shall be submitted prior to the first electrical inspection.))~~

1. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities, systems testing and balancing, functional performance testing, and verification of the building documentation requirements in Section C103.6.

2. Roles and responsibilities of the commissioning team, including the name and statement of qualifications of the certified commissioning professional.

3. ~~((A schedule of activities including systems testing and balancing, functional performance testing, and verification of the building documentation requirements in Section C103.6.~~

4. ~~Where the certified commissioning professional is an employee of one of the registered design professionals of record or an employee or subcontractor of the project contractor, an In-House Commissioning Disclosure and Conflict Management Plan shall be submitted with the commissioning plan. This plan shall disclose the certified commissioning professional's contractual relationship with other team members and provide a conflict management plan demonstrating that the certified commissioning professional is free to identify any issues discovered and report directly to the owner.~~

5.)) A listing of the specific equipment, appliances or systems to be tested and a description of the tests to be performed.

~~((6. Functions to be tested.~~

~~7. Conditions under which the test will be performed.~~

~~8. Measurable criteria for performance.))~~

**C408.1.2.1 In-house commissioning disclosure and conflict management plan.** Where the certified commissioning professional's contract or employment is other than directly with the building owner, an in-house commissioning disclosure and conflict management plan shall be a part of the commissioning process. A copy shall be included in the commissioning plan. This plan shall disclose the certified commissioning professional's contractual relationship with other team members and provide a conflict management plan demonstrating that the certified commissioning professional is free to identify any issues discovered and report directly to the owner.

**C408.1.2.2 Functional performance testing.** Functional performance testing shall be conducted for mechanical systems in Sections C403; service water heating systems in Section C404; controlled receptacles and lighting control systems in Section C405; equipment, appliances, systems installed to comply with Section C406 or C407; energy

metering in Section C409; and refrigeration systems in Section C410. Written procedures which clearly describe the individual systematic test procedures, the expected system response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. This testing shall include control systems which will be tested to document that control devices, components, equipment, and systems are calibrated and adjusted to operate in accordance with approved construction documents. Testing shall affirm the conditions required within Sections C408.2 through C408.7 under system testing.

**C408.1.2.3 Functional performance testing - Sampling.** For projects with 7 or fewer similar systems, each system shall be tested. For projects with more than 7 systems, testing shall be done for each unique combination of control types. Where multiples of each unique combination of control types exist, no fewer than 20 percent of each combination shall be tested unless the code official or design professional requires a higher percentage to be tested. Where 30 percent or more of the tested system fail, all remaining identical combinations shall be tested.

**C408.1.2.4 Deficiencies.** Deficiencies found during testing shall be resolved including corrections and retesting.

**C408.1.3 ((Final)) Commissioning report.** A ~~((final))~~ commissioning report shall be completed and certified by the *certified commissioning professional* and delivered to the building owner or owner's authorized agent. The report shall be organized with mechanical, service water heating, controlled receptacle and lighting control systems, ((service water heating and)) energy metering, and refrigeration findings in separate sections to allow independent review. The report shall record the activities and results of the commissioning process and be developed from the final commissioning plan with all of its attached appendices. The report shall include:

1. Results of functional performance tests.

2. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.

3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

4. Commissioning plan.

5. Testing, adjusting and balancing report.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

**C408.1.4. Commissioning process completion requirements.** Prior to the final mechanical, plumbing and electrical inspections or obtaining a certificate of occupancy, the *certified commissioning professional* ~~((or approved agency))~~ shall provide evidence of ~~((systems))~~ building commissioning ((and completion)) in accordance with the provisions of this section.

~~((Copies of all documentation shall be given to the owner and made available to the code official upon request in accordance with Section C408.1.4.3.~~

**C408.1.4.1 Commissioning progress report for code compliance.** A preliminary report of commissioning test procedures and results shall be completed and certified by the *cer-*

~~tified commissioning professional or approved agency and provided to the building owner or owner's authorized agent. The report shall be organized with mechanical, lighting, service water heating and metering findings in separate sections to allow independent review. The report shall be identified as "Preliminary Commissioning Report" and shall identify:~~

- ~~1. Itemization of deficiencies found during testing required by this code that have not been corrected at the time of report preparation.~~
- ~~2. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions, with anticipated date of completion.~~
- ~~3. Climatic conditions required for performance of the deferred tests.~~
- ~~4. Status of the project's record documents, manuals and systems operation training with respect to requirements in Section C103.6.~~

~~C408.1.4.2 Acceptance of report.)~~ **C408.1.4.1 Commissioning compliance.** Buildings, or portions thereof, shall not be considered acceptable for a final inspection pursuant to

Section ((C104.2)) C104.2.6 until the *code official* has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the ((Preliminary)) Commissioning Report. Completion of ((the)) Commissioning Compliance Checklist (Figure ((C408.1.4.2)) C408.1.4.1) is deemed to satisfy this requirement. Phased acceptance of the Commissioning Compliance Checklist for portions of the work specific to the trade that is being inspected is permissible where accepted by the code official and where the certified commissioning professional remains responsible for completion of the commissioning process. If there are unresolved deficiencies when the final inspection is scheduled, the Commissioning Report shall be submitted and shall describe the unresolved deficiencies.

~~((C408.1.4.3))~~ **C408.1.4.2 Copy of report.** The *code official* shall be permitted to require that a copy of the Preliminary Commissioning Report be made available for review by the *code official*.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-408012 Figure ((C408.1.4.2)) C408.1.4.1—Commissioning compliance checklist.**

**Figure ((C408.1.4.2)) C408.1.4.1  
Commissioning Compliance Checklist**

<b>((Project Information</b>	<b>Project Name:</b>
	<b>Project Address:</b>
	<b>Certified Commissioning Professional:</b>
	<b>Certifying Body:</b>
<b>Commissioning Plan</b> (Section 408.1.2)	<input type="checkbox"/> <b>Commissioning Plan was used during construction</b>
<b>Commissioned Systems</b> (Section C408.2, C408.3, C408.4 and C408.6)	<input type="checkbox"/> <b>Mechanical Systems were included in the Commissioning Process</b> (Section C408.2) Building mechanical systems have been tested to demonstrate the installation and operation of components, systems and system-to-system interfacing relationships in accordance with approved plans and specifications <input type="checkbox"/> There are unresolved deficiencies with the mechanical systems. These are described in the Preliminary Commissioning Report submitted to the owner. The following items are not in compliance with the energy code:
	<input type="checkbox"/> <b>Electrical Power or Lighting Systems were included in the Commissioning Process</b> (Section C408.4) Electrical power and automatic lighting controls have been tested to demonstrate the installation and operation of components, systems and system-to-system interfacing relationships in accordance with approved plans and specifications <input type="checkbox"/> There are unresolved deficiencies with the electrical power and/or automatic lighting controls. These are described in the Preliminary Commissioning Report submitted to the owner. The following items are not in compliance with the energy code:
	<input type="checkbox"/> <b>Service Water Heating Systems were included in the Commissioning Process</b> (Section C408.5) Service water heating systems have been tested to demonstrate that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications <input type="checkbox"/> There are unresolved deficiencies with the service water heating systems. These are described in the Preliminary Commissioning Report submitted to the owner. The following items are not in compliance with the energy code:





	<input type="checkbox"/> <b>Additional Systems included in the commissioning process</b> (Section C408.5) <input type="checkbox"/> There are unresolved deficiencies with systems required by Section C406 or Section C407. These are described in the attached Commissioning Report submitted to the owner.
	<input type="checkbox"/> <b>Metering Systems were included in the commissioning process</b> (Section C408.6) <input type="checkbox"/> There are unresolved deficiencies with the metering system. These are described in the attached Commissioning Report submitted to the owner.
	<input type="checkbox"/> <b>Refrigeration Systems were included in the commissioning process</b> (Section C408.7) <input type="checkbox"/> There are unresolved deficiencies with the systems required by Section C410. These are described in the attached Commissioning Report submitted to the owner.
<b>Certification</b>	<input type="checkbox"/> I hereby certify that all requirements for Section C408 System Commissioning have been completed in accordance with the Washington State Energy Code, including all items above.  <div style="display: flex; justify-content: space-between;"> <span>_____</span> <span>_____</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Certified Commissioning Professional</span> <span>Date</span> </div>
	<input type="checkbox"/> I hereby certify that all requirements for Section C408 System Commissioning have been completed in accordance with the Washington State Energy Code, including all items above.  <div style="display: flex; justify-content: space-between;"> <span>_____</span> <span>_____</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Building Owner or Owner's Authorized Agent</span> <span>Date</span> </div>

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

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-40802 Section C408.2—Mechanical systems commissioning.**

**C408.2 Mechanical and refrigeration systems commissioning.** Mechanical and refrigeration equipment and controls subject to Sections C403 and C410 shall be included in the commissioning process required by Section C408.1. The commissioning process shall minimally include all energy code requirements for which the code states that equipment or controls shall "be capable of" or "configured to" perform specific functions.

EXCEPTION: Mechanical systems are exempt from the commissioning process where the ((building's)) installed total mechanical equipment capacity is less than 240,000 Btu/h cooling capacity and less than 300,000 Btu/h heating capacity.

**C408.2.1 Reserved.**

**C408.2.2 Systems adjusting and balancing.** HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the project specifications. Test and balance activities shall include air system and hydronic system balancing.

**C408.2.2.1 Air systems balancing.** Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *International Mechanical Code*. Discharge dampers used for air system balancing are prohibited on constant volume fans and variable volume fans with motors 10 hp (18.6 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (0.74 kW), fan speed shall be adjusted to meet design flow conditions.

EXCEPTION: Fans with fan motors of 1 hp (0.74 kW) or less.

**C408.2.2.2 Hydronic systems balancing.** Individual hydronic heating and cooling coils shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure across the pump, or test ports at each side of each pump.

EXCEPTION: The following equipment is not required to be equipped with means for balancing or measuring flow:  
 1. Pumps with pump motors of 5 hp (3.7 kW) or less.  
 2. Where throttling results in no greater than five percent of the nameplate horsepower draw above that required if the impeller were trimmed.

~~**C408.2.3 ((Functional performance)) System testing.** Functional performance testing ((specified in Sections C408.2.3.1 through C408.2.3.3 shall be conducted. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. Testing shall affirm operation during actual or simulated winter and summer design conditions and during full outside air conditions.~~

~~**C408.2.3.1 Equipment.** Equipment functional performance testing)) shall demonstrate the ((installation and operation of)) components, systems, and system-to-system interfacing relationships are installed and operate in accordance with approved ((plans and specifications such that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed)) construction documents. Testing shall include ((all modes and)) the sequence of operation, ((including)) and be conducted under full-load, part-load and the following ((emergency)) conditions:~~

1. All modes as described in the *sequence of operation*;
2. Redundant or *automatic* back-up mode;
3. Performance of alarms; and

4. Mode of operation upon a loss of power and restoration of power.

~~((C408.2.3.2 Controls. HVAC control systems shall be tested to document that control devices, components, equipment, and systems are calibrated and adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to document they operate in accordance with approved plans and specifications.~~

~~C408.2.3.3 Economizers. Air economizers shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications.))~~

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40803 Section C408.3—(Lighting)  
Service water heating systems commissioning.**

~~((C408.3 Electrical power and lighting systems commissioning. Electrical power and lighting systems subject to Section C405 shall be included in the commissioning process required by Section C408.1. The commissioning process shall minimally include all energy code requirements for which the code requires specific daylight responsive controls, "control functions," and where the code states that equipment shall be "configured to" perform specific functions.~~

EXCEPTION: Lighting control systems are exempt from the commissioning process in buildings where:

1. The total installed lighting load is less than 20 kW.
2. Where the lighting load controlled by occupancy sensors or automatic daylighting controls is less than 10 kW.

~~C408.3.1 Functional testing. Prior to passing final inspection, the certified commissioning professional shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. Functional testing shall comply with Section C408.3.1.1 through C408.3.1.3 for the applicable control type.~~

~~C408.3.1.1 Occupant sensor controls. Where occupancy sensors are provided, the following procedures shall be performed:~~

1. Certify that the occupancy sensor has been located and aimed in accordance with manufacturer recommendations.
2. For projects with seven or fewer occupancy sensors, each sensor shall be tested. For projects with more than seven occupancy sensors, testing shall be done for each unique combination of sensor type and space geometry. Where multiples of each unique combination of sensor type and space geometry are provided, no fewer than the greater of one or 10 percent of each combination shall be tested unless the code official or design professional requires a higher percentage to

be tested. Where 30 percent or more of the tested controls fail, all remaining identical combinations shall be tested.

3. For each occupancy sensor to be tested, verify the following:

- 3.1. Where occupancy sensors include status indicators, verify correct operation.
- 3.2. The controlled lights turn off or down to the permitted level within the required time.
- 3.3. For auto on occupancy sensors, the lights turn on to the permitted level within the required time.
- 3.4. For manual on sensors, the lights turn on only when manually activated.
- 3.5. The lights are not incorrectly turned on by movement in adjacent areas or by HVAC operation.

~~C408.3.1.2 Time switch controls. Where automatic time switches are provided, the following procedures shall be performed:~~

1. Confirm that the automatic time switch control is programmed with accurate weekday, weekend and holiday schedules, and set up and preference program settings.
2. Provide documentation to the owner of automatic time switch programming, including weekday, weekend, holiday schedules and set up and preference program settings.
3. Verify the correct time and date in the time switch.
4. Verify that any battery backup is installed and energized.
5. Verify that the override time limit is set to not more than two hours.
6. Simulate occupied conditions. Verify and document the following:
  - 6.1. All lights can be turned on and off by their respective area control switch.
  - 6.2. The switch only operates lighting in the enclosed space in which the switch is located.
7. Simulate unoccupied condition. Verify the following:
  - 7.1. All nonexempt lighting turns off.
  - 7.2. Manual override switch allows only the lights in the enclosed space where the override switch is located to turn on or remain on until the next scheduled shut off occurs.
8. Additional testing as specified by the certified commissioning professional.

~~C408.3.1.3 Daylight responsive controls. Where daylight responsive controls are provided, the following procedures shall be performed:~~

1. All control devices have been properly located, field-calibrated and set for accurate setpoints and threshold light levels.
2. Daylight controlled lighting loads adjusted to light level setpoints in response to available daylight.
3. The locations of calibration adjustment equipment are readily accessible only to authorized personnel.

~~C408.3.2 Documentation requirements. The construction documents shall specify that documents certifying that the installed lighting controls meet documented performance criteria of Section C405 be provided to the building owner within 90 days from the date of receipt of the certificate of occupancy.))~~ **C408.3 Service water heating systems commissioning.** Service water heating equipment and controls subject to Section C404 shall be included in the commission-

ing process required by Section C408.1. The commissioning process shall minimally include equipment and components installed to meet all energy code requirements for devices to "start," "automatically turn off," "automatically adjust," "limit operation," and "limit the temperature" and "be configured to."

**C408.3.1 System testing.** Functional performance testing shall demonstrate that heaters, piping, distribution systems, and system-to-system interfacing relationships are installed and operate in accordance with approved construction documents. Testing shall include the *sequence of operation*, and be conducted under at least 50 percent water heating load, part-load and the following conditions:

1. Normal operation;
2. Redundant or automatic back-up mode;
3. Performance of alarms; and
4. Mode of operation upon a loss of power and restoration of power.

**AMENDATORY SECTION** (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40804 Section C408.4—((Service water heating)) Controlled receptacle and lighting control system(s) commissioning.**

**C408.4 ((Service water heating)) Controlled receptacle and lighting control system(s) commissioning.** ((Service water heating equipment and controls subject to Section C404 shall be included in the commissioning process required by Section C408.1. The commissioning process shall minimally include all energy code requirements for which the code states that equipment or controls shall "be capable of" or "configured to" perform specific functions.

**EXCEPTION:** Service water heating systems are exempt from the commissioning process in buildings where the largest service water heating system capacity is less than 200,000 Btu/h (58.6 W) and where there are no pools or permanent spas:))

Controlled receptacles and lighting control systems subject to Section C405 shall be included in the commissioning process required by Section C408.1. The configuration and function of controlled receptacles and lighting control systems required by this code shall be tested and shall comply with Section C408.4.1.

**EXCEPTION:** Lighting control systems are exempt from the commissioning process in buildings where:

1. The total installed lighting load is less than 20 kW; and
2. The lighting load controlled by occupancy sensors or automatic daylighting controls is less than 10 kW.

**C408.4.1 ((Functional performance)) System testing.** Functional performance testing ((specified in Sections C408.4.1.1 through C408.4.1.3 shall be conducted. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. Testing shall affirm operation with the system under 50 percent water heating load.

**C408.4.1.1 Equipment.** Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications such that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all modes and *sequence of operation*, including under full load, part load and the following emergency conditions:)) shall demonstrate that occupant sensors, time switches, manual overrides, night sweep-off, daylight responsive control, and controlled receptacles are installed and operate in accordance with approved construction documents. Testing shall include the *sequence of operation* and be conducted under the following conditions:

1. Normal operation;
2. Redundant or automatic back-up mode;
- ((2:)) 3. Performance of alarms; and
- ((3:)) 4. Mode of operation upon a loss of power and restoration of power.

((**C408.4.1.2 Controls.** Service water heating controls shall be tested to document that control devices, components, equipment, and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to document they operate in accordance with approved plans and specifications.

**C408.4.1.3 Pools and spas.** Service water heating equipment, time switches, and heat recovery equipment which serve pools and permanent spas shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications:))

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-408045 Section C408.5—Other systems commissioning.**

**C408.5 Systems installed to meet Section C406 or C407.** Equipment, components, controls or configuration settings for ((mechanical, service water heating, electrical power or lighting)) systems which are included in the project to comply with Section C406 or C407 shall be included in the commissioning process required by Section C408.1.

**C408.5.1 System testing.** Functional performance testing for these appliances, equipment, components, controls and/or configuration settings shall demonstrate operation, function and maintenance serviceability for each of the commissioned systems in accordance with the approved construction documents.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40805 Section C408.6—Metering system commissioning.**

**C408.6 Metering system commissioning.** Energy metering systems required by Section C409 shall comply with Section C408.6 and be included in the commissioning process

required by Section C408.1. The commissioning process shall include all energy metering equipment and controls required by Section C409.

**C408.6.1 ((Functional performance)) System testing.** Functional performance testing shall ~~((be conducted by following written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion. Functional testing shall document that energy source meters, energy end-use meters, the energy metering data acquisition system, and required energy consumption display are calibrated, adjusted and operate in accordance with approved plans and specifications))~~ demonstrate that energy source meters, end-use meters, data acquisition systems, and energy displays are installed and operate in accordance with approved construction documents. At a minimum, testing shall confirm that:

1. The metering system devices and components work properly under low and high load conditions.
2. The metered data is delivered in a format that is compatible with the data collection system.
3. The energy display is ~~((accessible))~~ in a location with access to building operation and management personnel.
4. The energy display meets code requirements regarding views required in Section C409.4.3. The display shows energy data in identical units (e.g., kWh).

#### NEW SECTION

#### **WAC 51-11C-40807 Section C408.7—Refrigeration system commissioning.**

**C408.7 Refrigeration system commissioning.** All installed refrigeration systems subject to Section C410 shall be included in the commissioning process required by Section C408.1.

- EXCEPTIONS:
1. Self-contained refrigeration systems are exempt from the commissioning process.
  2. Total installed capacity for refrigeration is equal to or less than 240 kBtu/h.

**C408.7.1 System testing.** Functional performance testing shall demonstrate that compressors, heat exchangers, piping, distribution systems, and system-to-system interfacing relationships are installed and operate in accordance with approved construction documents. Testing shall include the sequence of operation and be conducted under full-load at, part-load and the following conditions:

1. Normal mode;
2. Redundant or automatic back-up mode;
3. Performance of alarms; and
4. Mode of operation upon a loss of power and restoration of power.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

#### **WAC 51-11C-40901 Section C409.1—General.**

**C409.1 General.** All new buildings and additions, regardless of size, shall have the capability of and be configured to meter on-site renewable energy production in accordance with Section C409.2.4 and the end-use energy usage for electric vehicle charging in accordance with Section C409.3.3. New buildings and additions with a gross conditioned floor area over 50,000 square feet shall comply with Section C409. Buildings shall be equipped to measure, monitor, record and display energy consumption data for each energy source and end use category per the provisions of this section, to enable effective energy management.

- EXCEPTIONS:
1. Tenant spaces smaller than 50,000 square feet within buildings if the tenant space has its own utility service and utility meters.
  2. Buildings in which there is no gross conditioned floor area over 25,000 square feet, including building common area, that is served by its own utility services and meters.

**C409.1.1 Alternate metering methods.** Where approved by the building official, energy use metering systems may differ from those required by this section, provided that they are permanently installed and that the source energy measurement, end use category energy measurement, data storage and data display have similar accuracy to and are at least as effective in communicating actionable energy use information to the building management and users, as those required by this section.

**C409.1.2 Conversion factor.** Any threshold stated in kW shall include the equivalent BTU/h heating and cooling capacity of installed equipment at a conversion factor of 3,412 Btu per kW at 50 percent demand.

**C409.1.3 Dwelling units.** See Sections C404.9 and C405.7 for additional metering requirements for Group R-2 dwelling units.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

#### **WAC 51-11C-40902 Section C409.2—Energy source metering.**

**C409.2 Energy source metering.** Buildings shall have a meter at each energy source. For each energy supply source listed in Section C409.2.1 through C409.2.4, meters shall collect data for the whole building or for each separately metered portion of the building where not exempted by the exception to Section C409.1.

- EXCEPTIONS:
1. Energy source metering is not required where end use metering for an energy source accounts for all usage of that energy type within a building, and the data acquisition system accurately totals the energy delivered to the building or separately metered portion of the building.
  2. Solid fuels such as coal, firewood or wood pellets that are delivered via mobile transportation do not require metering.

**C409.2.1 Electrical energy.** This category shall include all electrical energy supplied to the building and its associated site, including site lighting, parking, recreational facilities, and other areas that serve the building and its occupants.

**C409.2.2 Gas and liquid fuel supply energy.** This category shall include all natural gas, fuel oil, propane and other gas or liquid fuel energy supplied to the building and site.

**C409.2.3 District energy.** This category shall include all net energy extracted from district steam systems, district chilled water loops, district hot water systems, or other energy sources serving multiple buildings.

**C409.2.4 Site-generated renewable energy.** This category shall include all net energy generated from on-site solar, wind, geothermal, tidal or other natural sources. For buildings exempt from data collection systems, the data from these meters is permitted to either be stored locally using a manual totalizing meter or other means at the meter or fed into a central data collection system.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40903 Section C409.3—End-use metering.**

**C409.3 End-use metering.** Meters shall be provided to collect energy use data for each end-use category listed in Sections C409.3.1 through ~~((C409.3.2))~~ C409.3.7. These meters shall collect data for the whole building or for each separately metered portion of the building where not exempted by the exception to Section C409.1. Not more than 10 percent of the total connected load of any of the end-use metering categories in Sections C409.3.1 through C409.3.6 is permitted to be excluded from that end-use data collection. Not more than 10 percent of the total connected load of any of the end-use metering categories in Sections C409.3.1 through C409.3.6 is permitted to consist of loads not part of that category. Multiple meters may be used for any end-use category, provided that the data acquisition system totals all of the energy used by that category. Full-floor tenant space submetering data shall be provided to the tenant in accordance with Section C409.7, and the data shall not be required to be included in other end-use categories.

EXCEPTIONS:

1. HVAC and service water heating equipment serving only an individual dwelling unit or sleeping unit does not require end-use metering.
2. Separate metering is not required for fire pumps, stairwell pressurization fans or other life safety systems that operate only during testing or emergency.
3. End use metering is not required for individual tenant spaces not exceeding 2,500 square feet in floor area when a dedicated source meter meeting the requirements of Section C409.4.1 is provided for the tenant space.
4. Health care facilities with loads in excess of 150 kVA are permitted to have submetering that measures electrical energy usage in accordance with the normal and essential electrical systems except that submetering is required for the following load categories:
  - 4.1. HVAC system energy use in accordance with the requirements of Section C409.3.1.

4.2. Service water heating energy use in accordance with the requirements of Section C409.3.2.

4.3. Process load system energy in accordance with the requirements of Section C409.3.5 for each significant facility not used in direct patient care including, but not limited to, food service, laundry and sterile processing facilities, where the total connected load of the facility exceeds 100 kVA.

5. End-use metering is not required for electrical circuits serving only sleeping rooms and guest suites within Group R-1 occupancies. This exception does not apply to common areas or to equipment serving multiple sleeping rooms.

**C409.3.1 HVAC system energy use.** This category shall include all energy including electrical, gas, liquid fuel, district steam and district chilled water that is used by boilers, chillers, pumps, fans and other equipment used to provide space heating, space cooling, dehumidification and ventilation to the building, but not including energy that serves process loads, service water heating or miscellaneous loads as defined in Section C409.3. Multiple HVAC energy sources, such as gas, electric and steam, are not required to be summed together.

EXCEPTIONS:

1. ((AH)) 120 volt equipment.
2. ((208/120 volt equipment in a building where the main service is 480/277 volt power.)) An HVAC branch circuit where the total MCA of equipment served equates to less than 10 kVA.
3. ((Electrical energy fed through variable frequency drives that are connected to the energy metering data acquisition center.)) Individual fans or pumps that are not on a variable frequency drive.

**C409.3.2 Service water heating energy use.** This category shall include all energy used for heating of domestic and service hot water, but not energy used for space heating.

EXCEPTION: Service water heating energy use less than 50 ((kW)) kVA does not require end-use metering.

**C409.3.3 Lighting system energy use.** This category shall include all energy used by interior and exterior lighting, including lighting in parking structures and lots, but not including plug-in task lighting.

**C409.3.4 Electric vehicle charging energy use.** This category shall include all energy used for electric vehicle charging. For buildings exempt from data collection systems, the data from these meters is permitted to either be stored locally using a manual totalizing meter or other means at the meter or fed into a central data collection system.

**C409.3.5 Plug load system energy use.** This category shall include all energy used by appliances, computers, plug-in task lighting, and other equipment or equipment covered by other end-use metering categories listed in Section C409.3. In a building where the main service is 480/277 volt, each 208/120 volt panel is permitted to be assumed to serve only plug load for the purpose of Section C409, unless it serves nonresidential refrigeration or cooking equipment.

EXCEPTION: Where the total connected load of all plug load circuits is less than 50 kVA, end-use metering is not required.

**C409.3.6 Process load system energy use.** This category shall include all energy used by any nonbuilding process load including, but not limited to, nonresidential refrigeration and cooking equipment, laundry equipment, industrial equipment, and stage lighting.

EXCEPTION: Where the process load energy use is less than 50 kVA end-use metering is not required.

**C409.3.7 Full-floor tenant space electrical submetering.** In a multitenant building where more than 90 percent of the leasable area of a floor is occupied by a single tenant, an electrical energy use display shall be provided to the tenant in accordance with the requirements of Section C409.4.3. Electrical loads from areas outside of the tenant space or from equipment that serves areas outside the tenant space shall not be included in the tenant space submetering. A single display is permitted to serve multiple floors occupied by the same tenant.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

**WAC 51-11C-40904 Section C409.4—Measurement devices, data acquisition system and energy display.**

**C409.4 Measurement devices, data acquisition system and energy display.**

**C409.4.1 Meters.** Meters and other measurement devices required by this section shall have local displays or be configured to automatically communicate energy data to a data acquisition system. Source meters may be any digital-type meters. Current sensors or flow meters are allowed for end use metering, provided that they have an accuracy of +/- 5%. All required metering systems and equipment shall provide at least hourly data that is fully integrated into the data acquisition and display system per the requirements of Section C409.

**C409.4.2 Data acquisition system.** The data acquisition system shall store the data from the required meters and other sensing devices in a single database for a minimum of 36 months. For each energy supply and end use category required by C409.2 and C409.3, it shall provide real-time energy consumption data and logged data for any hour, day, month or year.

**C409.4.3 Energy display.** For each building subject to Section C409.2 and C409.3, either a ~~((readily accessible and))~~ visible display in a location with *ready access*, or a single web page or other electronic document ~~((accessible))~~ available for access to building management or to a third-party energy data analysis service shall be provided in the building accessible by building operation and management personnel. The display shall graphically provide the current energy consumption rate for each whole building energy source, plus each end use category, as well as the ~~((average))~~ total and peak values for any day, week ~~((or)),~~ month, and year.

**C409.4.4 Commissioning.** ~~((The entire))~~ Energy metering and energy consumption management systems shall be commissioned in accordance with Section C408. ~~((Deficiencies found during testing shall be corrected and retested and the commissioning report shall be updated to confirm that the entire metering and data acquisition and display system is fully functional.))~~

AMENDATORY SECTION (Amending WSR 16-24-070, filed 12/6/16, effective 5/1/17)

**WAC 51-11C-41000 Section C410—Refrigeration system requirements.**

**C410.1 General** ~~((prescriptive))~~. Walk-in coolers, walk-in freezers, refrigerated warehouse coolers, refrigerated warehouse freezers, and refrigerated display cases shall comply with this Section.

Refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with Section C402. Section C402.1.5 Component performance alternative, may be used if granted prior approval by the jurisdiction.

**C410.1.1 Refrigeration equipment performance.** Refrigeration equipment shall have an energy use in kWh/day not greater than the values of Tables ~~((C410.2))~~ C410.1(1) and ~~((C410.2))~~ C410.1(2) when tested and rated in accordance with AHRI Standard 1200. The energy use shall be verified through certification under an approved certification program or, where a certification program does not exist, the energy use shall be supported by data furnished by the equipment manufacturer.

**Table C410.1.1(1)  
Minimum Efficiency Requirements: Commercial Refrigeration**

EQUIPMENT TYPE	APPLICATION	ENERGY USE LIMITS (kWh per day) <sup>a</sup>	TEST PROCEDURE
Refrigerator with solid doors	Holding Temperature	0.10 x V + 2.04	AHRI 1200
Refrigerator with transparent doors		0.12 x V + 3.34	
Freezers with solid doors		0.40 x V + 1.38	
Freezers with transparent doors		0.75 x V + 4.10	
Refrigerator/freezers with solid doors		The greater of 0.12 x V + 3.34 or 0.70	
Commercial refrigerators	Pulldown	0.126 x V + 3.51	

<sup>a</sup> V = Volume of the chiller for frozen compartment as defined in AHAM-HRF-1.

**Table C410.1.1(2)**  
**Minimum Efficiency Requirements: Commercial Refrigerators and Freezers**

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) <sup>a,b</sup>	TEST PROCEDURE
Equipment Class <sup>c</sup>	Family Code	Operating Mode	Rating Temperature		
VOP.RC.M	Vertical open	Remote con- densing	Medium	0.82 x TDA + 4.07	AHRI 1200
SVO.RC.M	Semivertical open	Remote con- densing	Medium	0.83 x TDA + 3.18	
HZO.RC.M	Horizontal open	Remote con- densing	Medium	0.35 x TDA + 2.88	
VOP.RC.L	Vertical open	Remote con- densing	Low	2.27 x TDA + 6.85	
HZO.RC.L	Horizontal open	Remote con- densing	Low	0.57 x TDA + 6.88	
VCT.RC.M	Vertical trans- parent door	Remote con- densing	Medium	0.22 x TDA + 1.95	
VCT.RC.L	Vertical trans- parent door	Remote con- densing	Low	0.56 x TDA + 2.61	
SOC.RC.M	Service over counter	Remote con- densing	Medium	0.51 x TDA + 0.11	
VOP.SC.M	Vertical open	Self-contained	Medium	1.74 x TDA + 4.71	
SVO.SC.M	Semivertical open	Self-contained	Medium	1.73 x TDA + 4.59	
HZO.SC.M	Horizontal open	Self-contained	Medium	0.77 x TDA + 5.55	
HZO.SC.L	Horizontal open	Self-contained	Low	1.92 x TDA + 7.08	
VCT.SC.I	Vertical trans- parent door	Self-contained	Ice cream	0.67 x TDA + 3.29	
VCS.SC.I	Vertical solid door	Self-contained	Ice cream	0.38 x V + 0.88	
HCT.SC.I	Horizontal transparent door	Self-contained	Ice cream	0.56 x TDA + 0.43	
SVO.RC.L	Semivertical open	Remote con- densing	Low	2.27 x TDA + 6.85	
VOP.RC.I	Vertical open	Remote con- densing	Ice cream	2.89 x TDA + 8.7	
SVO.RC.I	Semivertical open	Remote con- densing	Ice cream	2.89 x TDA + 8.7	
HZO.RC.I	Horizontal open	Remote con- densing	Ice cream	0.72 x TDA + 8.74	
VCT.RC.I	Vertical trans- parent door	Remote con- densing	Ice cream	0.66 x TDA + 3.05	
HCT.RC.M	Horizontal transparent door	Remote con- densing	Medium	0.16 x TDA + 0.13	
HCT.RC.L	Horizontal transparent door	Remote con- densing	Low	0.34 x TDA + 0.26	
HCT.RC.I	Horizontal transparent door	Remote con- densing	Ice cream	0.4 x TDA + 0.31	

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) <sup>a,b</sup>	TEST PROCEDURE
Equipment Class <sup>c</sup>	Family Code	Operating Mode	Rating Temperature		
VCS.RC.M	Vertical solid door	Remote condensing	Medium	0.11 x V + 0.26	
VCS.RC.L	Vertical solid door	Remote condensing	Low	0.23 x V + 0.54	
VCS.RC.I	Vertical solid door	Remote condensing	Ice cream	0.27 x V + 0.63	
HCS.RC.M	Horizontal solid door	Remote condensing	Medium	0.11 x V + 0.26	
HCS.RC.L	Horizontal solid door	Remote condensing	Low	0.23 x V + 0.54	
HCS.RC.I	Horizontal solid door	Remote condensing	Ice cream	0.27 x V + 0.63	
SOC.RC.L	Service over counter	Remote condensing	Low	1.08 x TDA + 0.22	
SOC.RC.I	Service over counter	Remote condensing	Ice cream	1.26 x TDA + 0.26	
VOP.SC.L	Vertical open	Self-contained	Low	4.37 x TDA + 11.82	
VOP.SC.I	Vertical open	Self-contained	Ice cream	5.55 x TDA + 15.02	
SVO.SC.L	Semivertical open	Self-contained	Low	4.34 x TDA + 11.51	
SVO.SC.I	Semivertical open	Self-contained	Ice cream	5.52 x TDA + 14.63	
HZO.SC.I	Horizontal open	Self-contained	Ice cream	2.44 x TDA + 9.0	
SOC.SC.I	Service over counter	Self-contained	Ice cream	1.76 x TDA + 0.36	
HCS.SC.I	Horizontal solid door	Self-contained	Ice cream	0.38 x V + 0.88	

<sup>a</sup> V = Volume of the case, as measured in accordance with Appendix C of AHRI 1200.

<sup>b</sup> TDA = Total display area of the case, as measured in accordance with Appendix D of AHRI 1200.

<sup>c</sup> Equipment class designations consist of a combination [(in sequential order separated by periods (AAA).(BB).(C))]:

(AAA) An equipment family code where:

- VOP = Vertical open
- SVO = Semi-vertical open
- HZO = Horizontal open
- VCT = Vertical transparent doors
- VCS = Vertical solid doors
- HCT = Horizontal transparent doors
- HCS = Horizontal solid doors
- SOC = Service over counter

(BB) An operating mode code:

- RC = Remote condensing
- SC = Self-contained

(C) A rating temperature code:

- M = Medium temperature (38°F)
- L = Low temperature (0°F)
- I = Ice cream temperature (15°F)

For example, "VOP.RC.M" refers to the "vertical-open, remote-condensing, medium-temperature" equipment class.



**C410.2 Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers.** *Refrigerated warehouse coolers, refrigerated warehouse freezers, and all walk-in coolers and walk-in freezers including site assembled, site constructed and pre-fabricated units shall comply with the following:*

1. Automatic door-closers shall be provided that fully close walk-in doors that have been closed to within 1 inch (25 mm) of full closure.

EXCEPTION: Automatic closers are not required for doors more than 45 inches (1143 mm) in width or more than 7 feet (2134 mm) in height.

2. Doorways shall be provided with strip doors, curtains, spring-hinged doors or other method of minimizing infiltration when doors are open.

3. *Walk-in coolers and refrigerated warehouse coolers* shall be provided with wall, ceiling, and door insulation of not less than R-25 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.039. *Walk-in freezers and refrigerated warehouse freezers* shall be provided with wall, ceiling and door insulation of not less than R-32 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.030.

EXCEPTION: Insulation is not required for glazed portions of doors or at structural members associated with the walls, ceiling or door frame.

4. The floor of walk-in coolers shall be provided with floor insulation of not less than R-25 or have a floor assembly U-factor no greater than U-0.40. The floor of *walk-in freezers* shall be provided with floor insulation of not less than R-28 or have a floor assembly *U*-factor no greater than *U*-0.035.

EXCEPTION: Insulation is not required in the floor of a walk-in cooler that is mounted directly on a slab on grade.

5. Transparent fixed window and reach-in doors for *walk-in freezers* and windows in *walk-in freezer* doors shall be provided with triple-pane glass, with the interstitial spaces filled with inert gas or be provided with heat-reflective treated glass.

6. Transparent fixed window and reach-in doors for *walk-in coolers* and windows for *walk-in coolers* doors shall be provided with double-pane or triple-pane glass, with interstitial space filled with inert gas, or be provided with heat-reflective treated glass.

7. Evaporator fan motors that are less than 1 hp (0.746 kW) and less than 460 volts shall be provided with electronically commutated motors, brushless direct-current motors, or 3-phase motors.

8. Condenser fan motors that are less than 1 hp (0.746 kW) shall use electronically commutated motors, permanent split capacitor-type motors or 3-phase motors.

9. Antisweat heaters that are not provided with antisweat heater controls shall have a total door rail, glass and frame heater power draw of not greater than 7.1 W/ft<sup>2</sup> (76 W/m<sup>2</sup>) of door opening for *walk-in freezers* and not greater than 3.0 W/ft<sup>2</sup> (32 W/m<sup>2</sup>) of door opening for *walk-in coolers*.

10. Where antisweat heater controls are provided, they shall be capable of reducing the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

11. Lights in *walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers* shall either be provided with light sources with an efficacy of not less than 40 lumens per watt, including ballast losses, or shall be provided with a device that automatically turns off the lights within 15 minutes of when the *walk-in cooler or walk-in freezer* space is not occupied.

**C410.2.1 ((Reserved-)) Performance standards.** Site-assembled and site-constructed walk-in coolers and walk-in freezers shall meet the requirements of Tables C410.2.1.1(1), C410.2.1.1(2), and C410.2.1.1(3).

**Table C410.2.1.1(1)**

**Walk-in Cooler and Freezer Display Doors Efficiency Requirements**

<u>Class Description</u>	<u>Class</u>	<u>Maximum Energy Consumption (kWh/day)<sup>a</sup></u>
<u>Display door, medium temperature</u>	<u>DD, M</u>	<u>0.04 x A<sub>dd</sub> + 0.41</u>
<u>Display door, low temperature</u>	<u>DD, L</u>	<u>0.15 x A<sub>dd</sub> + 0.29</u>

<sup>a</sup> A<sub>dd</sub> is the surface area of the display door.

**Table C410.2.1.1(2)**

**Walk-in Cooler and Freezer Nondisplay Doors Efficiency Requirements**

<u>Class Description</u>	<u>Class</u>	<u>Maximum Energy Consumption (kWh/day)<sup>a</sup></u>
<u>Passage door, medium temperature</u>	<u>PD, M</u>	<u>0.05 x A<sub>nd</sub> + 1.7</u>
<u>Passage door, low temperature</u>	<u>PD, L</u>	<u>0.14 x A<sub>nd</sub> + 4.8</u>
<u>Freight door, medium temperature</u>	<u>FD, M</u>	<u>0.04 x A<sub>nd</sub> + 1.9</u>
<u>Freight door, low temperature</u>	<u>FD, L</u>	<u>0.12 x A<sub>nd</sub> + 5.6</u>

<sup>a</sup> A<sub>nd</sub> is the surface area of the display door.

**Table C410.2.1.1(3)**

**Walk-in Cooler and Freezer Refrigeration Systems Efficiency Requirements**

<u>Class Description</u>	<u>Class</u>	<u>Minimum Annual Walk-in Energy Factor AWEF (Btu/hW-h)</u>
<u>Dedicated condensing, medium temperature, indoor system</u>	<u>DC.M.I</u>	<u>5.61</u>

<u>Class Description</u>	<u>Class</u>	<u>Minimum Annual Walk-in Energy Factor AWEF (Btu/hW-h)</u>
<u>Dedicated condensing, medium temperature, indoor system, &gt;9,000 Btu/h capacity</u>	<u>DC.M.I. &gt;9,000</u>	<u>5.61</u>
<u>Dedicated condensing, medium temperature, outdoor system</u>	<u>DC.MI</u>	<u>7.60</u>
<u>Dedicated condensing, medium temperature, outdoor system, &gt;9,000 Btu/h capacity</u>	<u>DC.M.I. &gt;9,000</u>	<u>7.60</u>

**C410.2.2 Refrigerated display cases.** Site-assembled or site-constructed refrigerated display cases shall comply with the following:

1. Lighting and glass doors in refrigerated display cases shall be controlled by one of the following:

1.1. Time switch controls to turn off lights during non-business hours. Timed overrides for display cases shall turn the lights on for up to 1 hour and shall automatically time out to turn the lights off.

1.2. Motion sensor controls on each display case section that reduce lighting power by at least 50 percent within 3 minutes after the area within the sensor range is vacated.

2. Low-temperature display cases shall incorporate temperature-based defrost termination control with a time-limit default. The defrost cycle shall terminate first on an upper temperature limit breach and second upon a time limit breach.

3. Antisweat heater controls shall reduce the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

**C410.3 Refrigeration systems.** Refrigerated display cases, walk-in coolers or walk-in freezers that are served by remote compressor and remote condensers not located in a condensing unit, shall comply with Sections C410.4.1, C410.4.2, and ((C403.5.3)) C403.9.7.

EXCEPTION: Systems where the working fluid in the refrigeration cycle goes through both subcritical and supercritical states (transcritical) or that use ammonia refrigerant are exempt.

**C410.3.1 Condensers serving refrigeration systems.** Fan-powered condensers shall comply with the following:

1. The design saturated condensing temperatures for air-cooled condensers shall not exceed the design dry-bulb temperature plus 10°F (5.6°C) for low-temperature refrigeration systems, and the design dry-bulb temperature plus 15°F (8°C) for medium temperature refrigeration systems where the saturated condensing temperature for blend refrigerants shall be determined using the average of liquid and vapor temperatures as converted from the condenser drain pressure.

2. Condenser fan motors that are less than 1 hp (0.75 kW) shall use electronically commutated motors, permanent split-capacitor-type motors or 3-phase motors.

3. Condenser fans for air-cooled condensers, evaporatively cooled condensers, air- or water-cooled fluid coolers or cooling towers shall reduce fan motor demand to not more than 30 percent of design wattage at 50 percent of design air volume, and incorporate one of the following continuous variable speed fan control approaches:

3.1. Refrigeration system condenser control for air-cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient dry-bulb temperature.

3.2. Refrigeration system condenser control for evaporatively cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient wet-bulb temperature.

4. Multiple fan condensers shall be controlled in unison.

5. The minimum condensing temperature setpoint shall be not greater than 70°F (21°C).

**C410.3.2 Compressor systems.** Refrigeration compressor systems shall comply with the following:

1. Compressors and multiple-compressor system suction groups shall include control systems that use floating suction pressure control logic to reset the target suction pressure temperature based on the temperature requirements of the attached refrigeration display cases or walk-ins.

EXCEPTION: Controls are not required for the following:

1. Single-compressor systems that do not have variable capacity capability.
2. Suction groups that have a design saturated suction temperature of 30°F (-1.1°C) or higher, suction groups that comprise the high stage of a two-stage or cascade system, or suction groups that primarily serve chillers for secondary cooling fluids.

2. Liquid subcooling shall be provided for all low-temperature compressor systems with a design cooling capacity equal to or greater than 100,000 Btu/hr (29.3 kW) with a design-saturated suction temperature of -10°F (-23°C) or lower. The subcooled liquid temperature shall be controlled at a maximum temperature setpoint of 50°F (10°C) at the exit of the subcooler using either compressor economizer (inter-stage) ports or a separate compressor suction group operating at a saturated suction temperature of 18°F (-7.8°C) or higher.

2.1. Insulation for liquid lines with a fluid operating temperature less than 60°F (15.6°C) shall comply with Table C403.2.10.

3. Compressors that incorporate internal or external crankcase heaters shall provide a means to cycle the heaters off during compressor operation.

**C410.4 Commissioning.** Refrigeration systems shall be commissioned in accordance with Section C408.

EXCEPTION: Self-contained units.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION**WAC 51-11C-41100 Section C411—Solar readiness.**

**C411.1 General.** A solar zone shall be provided on nonresidential buildings that are 20 stories or less in height above grade plan. The solar zone shall be located on the roof of the building or on another structure elsewhere on the site. The solar zone shall be in accordance with Sections C411.2 through C411.8 and the *International Fire Code*.

**EXCEPTION:** A solar zone is not required where the solar exposure of the building's roof area is less than 75 percent of that of an unshaded area, as defined in Section C411.5, in the same location, as measured by one of the following:

1. Incident solar radiation expressed in kWh/ft<sup>2</sup>-yr using typical meteorological year (TMY) data.
2. Annual sunlight exposure expressed in cumulative hours per year using TMY data.
3. Shadow studies indicating that the roof area is more than 25 percent in shadow, on September 21st at 10 a.m., 11 a.m., 12 p.m., 1 p.m., and 2 p.m. solar time.

**C411.2 Minimum area.** The minimum area of the solar zone shall be determined by one of the following methods, whichever results in the smaller area:

1. 40 percent of roof area. The roof area shall be calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks and planted areas.

2. 20 percent of electrical service size. The electrical service size is the rated capacity of the total of all electrical services to the building, and the required solar zone size shall be based upon 10 peak watts of photovoltaic per square foot.

**EXCEPTION:** Subject to the approval of the code official, buildings with extensive rooftop equipment that would make full compliance with this section impractical shall be permitted to reduce the size of the solar zone required by Section C411.2 to the maximum practicable area.

**C411.3 Contiguous area.** The solar zone is permitted to be comprised of separated subzones. Each subzone shall be at least 5 feet wide in the narrowest dimension.

**C411.4 Obstructions.** The solar zone shall be free of pipes, vents, ducts, HVAC equipment, skylights and other obstructions, except those serving photovoltaic systems within the solar zone. The solar zone is permitted to be located above any such obstructions, provided that the racking for support of the future system is installed at the time of construction, the elevated solar zone does not shade other portions of the solar zone, and its height is permitted by the *International Building Code*. Photovoltaic or solar water heating systems are permitted to be installed within the solar zone.

**C411.5 Shading.** The solar zone shall be set back from any existing or new object on the building or site that is located south, east or west of the solar zone a distance at least two times the object's height above the nearest point on the roof surface. Such objects include, but are not limited to, taller portions of the building itself, parapets, chimneys, antennas, signage, rooftop equipment, trees, and roof plantings. No portion of the solar zone shall be located on a roof slope greater than 2:12 that faces within 45 degrees of true north.

**C411.6 Access.** Areas contiguous to the solar zone shall provide access pathways and provisions for emergency smoke ventilation as required by the *International Fire Code*.

**C411.7 Structural integrity.** The as-designed dead load and live load for the solar zone shall be clearly marked on the record drawings and shall accommodate future photovoltaic system arrays at an assumed dead load of 4 pounds per square foot in addition to other required live and dead loads. A location for future inverters shall be designated either within or adjacent to the solar zone, with a minimum area of 2 square feet for each 1000 square feet of solar zone area, and shall accommodate an assumed dead load of 175 pounds per square foot. Where photovoltaic systems are installed in the solar zone, structural analysis shall be based upon calculated loads, not upon these assumed loads.

**C411.8 Photovoltaic interconnection.** Interconnection of the future photovoltaic system shall be provided for at the main service panel, either ahead of the service disconnecting means or at the end of the bus opposite the service disconnecting means, in one of the following forms:

1. A space for the mounting of a future overcurrent device, sized to accommodate the largest standard rated overcurrent device that is less than 20 percent of the bus rating.

2. Lugs sized to accommodate conductors with an ampacity of at least 20 percent of the bus rating, to enable the mounting of an external overcurrent device for interconnection.

The electrical construction documents shall indicate all of the following:

1. Solar zone boundaries and access pathways.
2. Location for future inverters and metering equipment.
3. Route for future wiring between the photovoltaic panels and the inverter, and between the inverter and the main service panel.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-50000 Chapter 5 [CE]—Existing buildings.****C501 General.**

**C501.1 Scope.** The provisions of this chapter shall control the *alteration, repair, addition* and change of occupancy of existing buildings and structures.

**C501.2 Existing buildings.** Except as specified in this chapter, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

**C501.3 Maintenance.** Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices and systems which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings and structures. The requirements of this chapter shall not provide the basis for removal or abrogation of energy conservation,

fire protection and safety systems and devices in existing structures.

**C501.4 Compliance.** *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for *alterations, repairs, additions* and changes of occupancy or relocation, respectively, in this code and in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, and NFPA 70.

**C501.4.1 U-factor requirements for retrofits.** For existing building projects where an addition or building envelope retrofit area is combined with existing-to-remain building areas to demonstrate compliance with this code as a whole building, the U-factors applied to existing-to-remain envelope assemblies shall be in accordance with record documents.

EXCEPTIONS: 

1. If accurate record documents are not available, U-factors for the existing envelope assemblies may be in accordance with the edition of the Washington State Energy Code that was in effect at the time the building was permitted.
2. U-factors for the existing envelope assemblies as approved by the code official.

**C501.4.2 Calculations of mechanical heating and cooling loads for retrofits.** For the installation of new or replacement mechanical equipment that serves existing building areas, design loads associated with heating, cooling and ventilation of the existing building areas served shall be determined in accordance with Section C403.1.1.

R-values and U-factors used to determine existing thermal envelope performance for the purpose of calculating design loads shall be in accordance with record documents or existing conditions.

EXCEPTIONS: 

1. If accurate record documents are not available, U-factors for the existing envelope assemblies may be in accordance with the edition of the Washington State Energy Code that was in effect at the time the building was permitted.
2. U-factors for the existing envelope assemblies as approved by the code official.

**C501.5 New and replacement materials.** Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

**C501.6 Historic buildings.** The building official may modify the specific requirements of this code for historic buildings and require alternate provisions which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings or structures that are listed in the state or national register of historic places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a national register listed or locally designated historic district;

or with an opinion or certification that the property is eligible to be listed on the national or state registers of historic places either individually or as a contributing building to a historic district by the state historic preservation officer or the keeper of the national register of historic places.

**C501.7 Commissioning.** Existing building systems shall be commissioned in accordance with Section C408. For the purposes of meeting the commissioning thresholds in Section C408.1, only the new and altered system capacities are considered when determining whether the project is exempt from some portion of the commissioning process.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-50200 Section C502—Additions.**

**C502.1 General.** *Additions* to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion of the existing building or building system to comply with this code. *Additions* shall not create an unsafe or hazardous condition or overload existing building systems. An *addition* shall be deemed to comply with this code if the *addition* alone complies or if the existing building and *addition* comply with this code as a single building. *Additions* shall comply with Sections C402, C403, C404, C405, C409.5, C410 and C502.2.

**C502.2 Prescriptive compliance.** *Additions* shall comply with Sections C502.2.1 through C502.2.6.2.

**C502.2.1 Vertical fenestration.** *Additions* with *vertical fenestration* that results in a total building vertical fenestration area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. *Additions* with *vertical fenestration* that results in a total building vertical fenestration area greater than that specified in Section C402.4.1 shall comply with one of the following:

1. Vertical fenestration alternate per Section C402.4.1.1 or C402.4.1.3 for the addition area of the building only.
2. Component performance (~~(option)~~) alternative with target area adjustment per Section C402.1.5 (~~(or the total building performance option in Section C407)~~) for the addition area of the building only.
3. Existing building and addition area are combined to demonstrate compliance with the component performance alternative for the whole building.
4. Total building performance in accordance with Section C407 for the addition area of the building only.
5. Total building performance for the whole building.

**C502.2.2 Skylight area.** *Additions* with *skylights* that result in a total building skylight area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. *Additions* with *skylights* that result in a total building skylight area greater than that specified in Section C402.4.1 shall comply with (~~the component performance option with the~~

target area adjustment per Section C402.1.5 or the total building performance option in Section C407)) one of the following:

1. Vertical fenestration alternate per Section C402.4.1.1 or C402.4.1.3 for the *addition* area of the building only.
2. Component performance alternative with target area adjustment per Section C402.1.5 for the addition area of the building only.
3. Existing building and addition area are combined to demonstrate compliance with the component performance alternative for the whole building.
4. Total building performance in accordance with Section C407 for the addition area of the building only.
5. Total building performance for the whole building.

**C502.2.3 Building mechanical systems.** New mechanical systems and equipment serving the building heating, cooling or ventilation needs, that are part of the addition, shall comply with Section C403.

**C502.2.4 Service water heating systems.** New service water-heating equipment, controls and service water heating piping shall comply with Section C404.

**C502.2.5 Pools and permanent spas.** New pools and permanent spas shall comply with Section C404.11.

**C502.2.6 Lighting and power systems.** New lighting systems that are installed as part of the addition shall comply with Section C405.

**C502.2.6.1 Interior lighting power.** The total interior lighting power for the addition shall comply with Section C405.4.2 for the addition alone, or the existing building and the addition shall comply as a single building.

**C502.2.6.2 Exterior lighting power.** The total exterior lighting power for the addition shall comply with Section C405.5.1 for the addition alone, or the existing building and the addition shall comply as a single building.

**C502.2.7 Refrigeration systems.** New refrigerated spaces and refrigeration equipment shall comply with Section C410.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-600000 Chapter 6 [CE]—Referenced standards.** This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section C106.

<b>AAMA</b>	American Architectural Manufacturers Association 1827 Walden Office Square Suite 550 Schaumburg, IL 60173-4268		
Standard reference number	Title		Referenced in code section number
AAMA/WDMA/CSA 101/1.S.2/A (( <del>C440—11</del> )) <u>C440—17</u>	North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights	.....	Table C402.4.2
<b>AHAM</b>	Association of Home Appliance Manufacturers 1111 19th Street, N.W., Suite 402 Washington, D.C. 20036		
Standard reference number	Title		Referenced in code section number
ANSI/AHAM RAC-1—2008	Room Air Conditioners	.....	Table (( <del>C403.2.3</del> )) <u>C403.3.2(3)</u>
AHAM (( <del>HRF-1-2007</del> )) <u>HRF-1—2017</u>	Energy, Performance and Capacity of Household Refrigerators, Refrigerator-Freezers and Freezers	.....	Table C410.1(1)
<b>AHRI</b>	Air Conditioning, Heating, and Refrigeration Institute 4100 North Fairfax Drive, Suite 200 Arlington, VA 22203		
Standard reference number	Title		Referenced in code section number

ISO/AHRI/ASHRAE 13256-1 <del>((2011))</del> (2017)	Water-source Heat Pumps - Testing and Rating for Performance - Part 1: Water-to-air and Brine-to-air Heat Pumps	.....	Table <del>((C403.2.3))</del> C403.3.2(2)
ISO/AHRI/ASHRAE 13256-2 <del>((2011))</del> (2017)	Water-source Heat Pumps - Testing and Rating for Performance - Part 2: Water-to-water and Brine-to-water Heat Pumps	.....	Table <del>((C403.2.3))</del> C403.3.2(2)
<del>((210/240—08 with Addenda 1 and 2))</del> 210/240—2016	Unitary Air Conditioning and Air-source Heat Pump Equipment	.....	Table <del>((C403.2.3))</del> C403.3.2(1), Table <del>((C403.2.3))</del> C403.3.2(2)
<del>((310/380—04))</del> 310/380—2014	Standard for Packaged Terminal Air Conditioners and Heat Pumps	.....	Table <del>((C403.2.3))</del> C403.3.2(3)
<del>((340/360—2007 with Addendum 2))</del> 340/360—2015	Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment	.....	Table <del>((C403.2.3))</del> C403.3.2(1), Table <del>((C403.2.3))</del> C403.3.2(2)
<del>((365—09))</del> 365—2009	Commercial and Industrial Unitary Air-conditioning Condensing Units	.....	Table <del>((C403.2.3))</del> C403.3.2(1), Table <del>((C403.2.3))</del> C403.3.2(6)
<del>((390—03))</del> 390—2015	Performance Rating of Single Package Vertical Air Conditioners and Heat Pumps	.....	Table <del>((C403.2.3))</del> C403.3.2(3)
<del>((400—01))</del> 400—2015	Liquid to Liquid Heat Exchangers with Addendum 2	.....	Table <del>((C403.2.3))</del> C403.3.2(9)
440—08	Room Fan Coil	.....	C403.2.8
460—05	Performance Rating Remote Mechanical Draft Air-cooled Refrigerant Condensers	.....	Table <del>((C403.2.3))</del> C403.3.2(8)
<del>((550/590—2011 with Addendum 1))</del> 550/590—2015	Water Chilling Packages Using the Vapor Compression Cycle—with Addenda	.....	C403.2.3.1, Table C403.2.3(7), Table C406.2(6)
560—00	Absorption Water Chilling and Water-heating Packages	.....	Table C403.2.3(7)
920—2015	<u>Performance Rating of DX-Dedicated Outdoor Air System Units</u>	.....	<u>C202, Table C403.3.2(11), Table C403.3.2(12)</u>
<del>((1160—08))</del> 1160—2014	Performance Rating of Heat Pump Pool Heaters	.....	Table C404.2
<del>((1200-2010))</del> 1200—2013	Performance Rating of Commercial Refrigerated Display Merchandisers and Storage Cabinets	.....	C410.1, Table C410.1(1), Table C410.1(2)
<b>AMCA</b>	Air Movement and Control Association International 30 West University Drive Arlington Heights, IL 60004-1806		
Standard reference number	Title		Referenced in code section number
205—12	Energy Efficiency Classification for Fans	.....	<del>((C403.2.11.3))</del> C403.8.3

220—8 (2012)	Laboratory Methods for Testing Air Curtain Units for Aerodynamic Performance Rating	.....	C402.5.7
500D—12	Laboratory Methods for Testing Dampers for Rating	.....	C402.4.5.1, C402.4.5.2
<b>ANSI</b>	American National Standards Institute 25 West 43rd Street Fourth Floor New York, NY 10036		
Standard reference number	Title		Referenced in code section number
ANSI/ASME A17.1—2010	Safety code for elevators and escalators	.....	C405.12.1
Z21.10.3/CSA 4.3—11	Gas Water Heaters, Volume III—Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous	.....	Table C404.2
Z21.47/CSA 2.3—12	Gas-fired Central Furnaces	.....	Table (( <del>C403.2.3</del> )) C403.3.2(4)
Z83.8/CSA 2.6—09	Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters and Gas-fired Duct Furnaces	.....	Table (( <del>C403.2.3</del> )) C403.3.2(4)
<b>APSP</b>	The Association of Pool and Spa Professionals 2111 Eisenhower Avenue Alexandria, VA 22314		
Standard reference number	Title		Referenced in code section number
(( <del>14-11</del> )) 14—2014	American National Standards for Portable Electric Spa Efficiency	.....	C404.12
<b>ASHRAE</b>	American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. 1791 Tullie Circle, N.E. Atlanta, GA 30329-2305		
Standard reference number	Title		Referenced in code section number
ANSI/ASHRAE/ACCA Standard 127-2007	Method of Testing for Rating Computer and Data Processing Room Unitary Air Conditioners	.....	Table (( <del>C403.2.3</del> )) C403.3.2(9)
Standard 183—2007	Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings	.....	(( <del>C403.2.1</del> )) C403.1.2
(( <del>ASHRAE—2012</del> )) ASHRAE—2016	ASHRAE HVAC Systems and Equipment Handbook—(( <del>2012</del> )) 2016	.....	(( <del>C403.2.1</del> )) C403.1.2
ISO/AHRI/ASHRAE 13256-1 (2011)	Water-source Heat Pumps—Testing and Rating for Performance— Part 1: Water-to-air and Brine-to-air Heat Pumps	.....	Table (( <del>C403.2.3</del> )) C403.3.2(2)
ISO/AHRI/ASHRAE 13256-2 (2011)	Water-source Heat Pumps—Testing and Rating for Performance—Part 2: Water-to-water and Brine-to-water Heat Pumps	.....	Table (( <del>C403.2.3</del> )) C403.3.2(2)

90.1—2013	Energy Standard for Buildings Except Low-rise Residential Buildings (ANSI/ASHRAE/IESNA 90.1—2010)	.....	Table C402.1.3, Table C402.1.4, C406.2 <del>((Table C407.6.1))</del>
<del>((140—2011</del>	<del>Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs</del>	<del>.....</del>	<del>C407.6.1))</del>
<u>90.4—2016</u>	<u>Energy Standard for Data Centers</u>	<u>.....</u>	<u>C403.1.3</u>
146—2011	Testing and Rating Pool Heaters	.....	Table C404.2
<b>ASME</b>	American Society of Mechanical Engineers Two Park Avenue New York, NY 10016-5990		
Standard reference number	Title		Referenced in code section number
ASME A17.1/CSA <del>((B44-2013))</del> <u>B44—2016</u>	Safety Code for Elevators and Escalators	.....	C405.9.2
<b>ASTM</b>	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2859		
Standard reference number	Title		Referenced in code section number
C <del>((90—13))</del> <u>90—14</u>	Specification for Load-bearing Concrete Masonry Units	.....	Table C402.1.3
C1363—11	Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus	.....	C303.1.4.1, Table C402.1.4
C <del>((1371—04a(2010)e1))</del> <u>1371—15</u>	Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emisometers	.....	Table C402.4
C 1549—09	Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using A Portable Solar Reflectometer	.....	Table C402.4
D <del>((4003—11e1))</del> <u>1003—13</u>	Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics	.....	C402.4.2.2
E 283—04 <del>(2012)</del>	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen	.....	C402.5.1.2.2
E <del>((408—71(2008))</del> <u>408—13</u>	Test Methods for Total Normal Emittance of Surfaces Using Inspection-meter Techniques	.....	Table C402.4
E 779—10	Standard Test Method for Determining Air Leakage Rate by Fan Pressurization	.....	C402.5.1.2.3
E <del>((903—96))</del> <u>903—12</u>	Standard Test Method Solar Absorptance, Reflectance and Transmittance of Materials Using Integrating Spheres (Withdrawn 2005)	.....	Table C402.4
E 1677—11	Standard Specification for an Air-retarder (AR) Material or System for Low-rise Framed Building Walls	.....	C402.5.1.2.2



E 1918—06 (2015)	Standard Test Method for Measuring Solar Reflectance of Horizontal or Low-sloped Surfaces in the Field	.....	Table C402.4
E 1980—11	Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-sloped Opaque Surfaces	.....	Table C402.2.1.1
E 2178—13	Standard Test Method for Air Permanence of Building Materials	.....	C402.4
E 2357—11	Standard Test Method for Determining Air Leakage of Air Barrier Assemblies	.....	C402.5.1.2.2
<b>CSA</b>	Canadian Standards Association 5060 Spectrum Way Mississauga, Ontario, Canada L4W 5N6		
Standard reference number	Title		Referenced in code section number
AAMA/WDMA/CSA 101/I.S.2/A440—11	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights	.....	Table C402.4.2
<b>CTI</b>	Cooling Technology Institute 2611 FM 1960 West, Suite A-101 Houston, TX 77068		
Standard reference number	Title		Referenced in code section number
ATC 105 (00)	Acceptance Test Code for Water Cooling Tower	.....	Table (( <del>C403.2.3</del> ) C403.3.2(8))
ATC 105S—11	Acceptance Test Code for Closed Circuit Cooling Towers	.....	Table (( <del>C403.2.3</del> ) C403.3.2(8))
ATC 106—11	Acceptance Test Code for Mechanical Draft Evaporative Vapor Condensers	.....	Table (( <del>C403.2.3</del> ) C403.3.2(8))
STD 201—11	Standard for Certification of Water Cooling Towers Thermal Performances	.....	Table (( <del>C403.2.3</del> ) C403.3.2(8))
<b>DASMA</b>	Door and Access Systems Manufacturers Association 1300 Sumner Avenue Cleveland, OH 44115-2851		
Standard reference number	Title		Referenced in code section number
105—92 (R2004)—13	Test Method for Thermal Transmittance and Air Infiltration of Garage Doors	.....	Table C402.4.2
<b>DOE</b>	U.S. Department of Energy c/o Superintendent of Documents U.S. Government Printing Office Washington, D.C. 20402-9325		
Standard reference number	Title		Referenced in code section number
10 C.F.R., Part 430—((1998)) 2015	Energy Conservation Program for Consumer Products:		

	Test Procedures and Certification and Enforcement Requirement for Plumbing Products; and Certification and Enforcement Requirements for Residential Appliances; Final Rule	.....	Table ( <del>C403.2.3</del> ) <u>C403.3.2(4)</u> , Table( <del>C403.2.3</del> ) <u>C403.3.2(5)</u> , Table C404.2
10 C.F.R., Part 430, Subpart B, Appendix N—( <del>1998</del> ) <u>2015</u>	Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers	.....	C202
10 C.F.R., Part 431—( <del>2004</del> ) <u>2015</u>	Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards; Final Rules	.....	Table ( <del>C403.2.3</del> ) <u>C403.3.2(5)</u> , Table C406.2(5)
NAECA 87—(88)	National Appliance Energy Conservation Act 1987 [(Public Law 100-12 (with Amendments of 1988-P.L. 100-357)]	.....	Tables ( <del>C403.2.3</del> ) <u>C403.3.2 (1), (2), (4)</u>
<b>IAPMO</b>	International Association of Plumbing and Mechanical Officials 4755 E. Philadelphia Street Ontario, CA 91761		
Standard reference number	Title		Referenced in code section number
UPC—2015	Uniform Plumbing Code	.....	C201.3, C501.4
<b>ICC</b>	International Code Council, Inc. 500 New Jersey Avenue, N.W., 6th Floor Washington, D.C. 20001		
Standard reference number	Title		Referenced in code section number
IBC—15	International Building Code	.....	C201.3, C303.2, C402.4.3
IFC—15	International Fire Code	.....	C201.3, C501.4
IFGC—15	International Fuel Gas Code	.....	C201.3, C501.4
IMC—15	International Mechanical Code	.....	C106.3, C201.3, C402.5.3, <del>((C403.2.4.3, C403.2.6, C403.2.6.2, C403.2.6.4, C403.2.6.4.1, C403.2.8.2, C403.2.8.3, C403.2.8.3.1, C403.2.8.3.2, C403.2.11.4, C403.2.11.5, C403.4.4, C403.4.4.3, C403.5.1))</del> <u>C403.2.2.1, C403.2.2.2, C403.3.5, C403.3.5.1, C403.6.1, C403.6.5, C403.6.10, C403.7.1, C403.7.2, C403.7.5, C403.7.5.1, C403.7.6, C403.7.7.3, C403.7.8.1, C403.7.8.4, C403.8.4, C403.8.5.1, Table C403.10.1, C403.10.1.2, Table C403.10.1.2, C403.10.2.2, C403.12, C406.6, C408.2.2.1, C501.4</u>

<b>IEEE</b>	The Institute of Electrical and Electronic Engineers, Inc. 3 Park Avenue New York, NY 10016	
Standard reference number	Title	Referenced in code section number
IEEE 515.1—2012	IEEE Standard for the Testing, Design, Installation and Maintenance of Electrical Resistance Trace Heating for Commercial Applications .....	C404.6.2
<b>IESNA</b>	Illuminating Engineering Society of North America 120 Wall Street, 17th Floor New York, NY 10005-4001	
Standard reference number	Title	Referenced in code section number
ANSI/ASHRAE/IESNA 90.1—2013	Energy Standard for Buildings Except Low-rise Residential Buildings .....	Table C402.1.3, Table C402.1.4, Table C407.5.1
<b>ISO</b>	International Organization for Standardization 1, rue de Varembe, Case postale 56, CH-1211 Geneva, Switzerland	
Standard reference number	Title	Referenced in code section number
ISO/AHRI/ASHRAE 13256-1 (2011)	Water-source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-air and Brine-to-air Heat Pumps .....	<del>((C403.2.3))</del> C403.3.2(2)
ISO/AHRI/ASHRAE 13256-2 (2011)	Water-Source Heat Pumps—Testing and Rating for Performance—Part 2: Water-to-water and Brine-to-water Heat Pumps .....	<del>((C403.2.3))</del> C403.3.2(2)
<b>NEMA</b>	National Electric Manufacturers Association 1300 North 17th Street Suite 1752 Rosslyn, VA 22209	
Standard reference number	Title	Referenced in code section number
TP-1-2002	Guide for Determining Energy Efficiency for Distribution Transformers .....	C405.9
MGI— <del>((1993))</del> 2014	Motors and Generators .....	C202
<b>NFRC</b>	National Fenestration Rating Council, Inc. 6305 Ivy Lane, Suite 140 Greenbelt, MD 20770	
Standard reference number	Title	Referenced in code section number
100— <del>((2009))</del> 2017	Procedure for Determining Fenestration Product U-factors .....	C303.1.2, C402.2.2
200— <del>((2009))</del> 2017	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence .....	C303.1.3, C402.4.1.1

<u>202—2017</u>	<u>Procedure for Determining Fenestration Product Visible Transmittance at Normal Incidence</u>	.....	<u>C202</u>
NFRC 203—2017	<u>Procedure for Determining Visible Transmittance of Tubular Daylighting Devices</u>	.....	<u>C202, C402.4.2</u>
400—((2009)) <u>2017</u>	Procedure for Determining Fenestration Product Air Leakage	.....	Table C402.4.2
<b>SMACNA</b>	Sheet Metal and Air Conditioning Contractors National Association, Inc. 4021 Lafayette Center Drive Chantilly, VA 20151-1209		
Standard reference number	Title		Referenced in code section number
SMACNA—2012	HVAC Air Duct Leakage Test Manual	.....	(( <del>C403.2.8.1.3</del> )) <u>C403.10.2.3</u>
<b>UL</b>	Underwriters Laboratories 333 Pfingsten Road Northbrook, IL 60062-2096		
Standard reference number	Title		Referenced in code section number
710—12	Exhaust Hoods for Commercial Cooking Equipment	.....	C403.2.8
727—06	Oil-fired Central Furnaces—with Revisions through April 2010	.....	Table (( <del>C403.2.3</del> )) <u>C403.3.2(4)</u>
731—95	Oil-fired Unit Heaters—with Revisions through April 2010	.....	Table (( <del>C403.2.3</del> )) <u>C403.3.2(4)</u>
<b>US-FTC</b>	United States-Federal Trade Commission 600 Pennsylvania Avenue N.W. Washington, D.C. 20580		
Standard reference number	Title		Referenced in code section number
C.F.R. Title 16 ((( <del>May 31, 2005</del> )) <u>2015</u> )	R-value Rule	.....	C303.1.4
<b>WDMA</b>	Window and Door Manufacturers Association 1400 East Touhy Avenue, Suite 470 Des Plaines, IL 60018		
Standard reference number	Title		Referenced in code section number
AAMA/WDMA/CSA 101/I.S.2/A440—((H)) <u>17</u>	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights	.....	Table C402.4.2

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-80500 Appendix D—((Renewable energy)) Calculation of HVAC total system performance ratio.**

((~~AE101.1 On-site renewable energy systems.~~ Each new commercial building or addition larger than 5,000 square feet of gross conditioned floor area shall include a renewable energy generation system consisting of at least 70 watts rated peak photovoltaic energy production, or 240 kBtu of annual solar water heating energy production, per 1,000 square feet

of conditioned floor area or fraction thereof. For buildings over 5 stories in height, the conditioned area for this calculation shall be based on the conditioned area of the largest 5 above-grade stories in the building. If the on-site renewable energy option in C406 is selected, this energy shall be in addition to that required by C406.

EXCEPTION: Alternate means of achieving equivalent energy savings are permissible where approved by the code official, if the calculated net annual energy savings equals or exceeds the calculated annual energy production of the required on-site renewable energy system.)

**D101 Scope.** This appendix establishes criteria for demonstrating compliance using the *HVAC total system performance ratio (HVAC TSPR)* for office, retail, library and education occupancies. For those occupancies, HVAC systems shall comply with Section C403 and this appendix as required by Section C403.1.1.

**D201 Compliance.** Compliance based on *HVAC total system performance ratio* requires that the provisions of Section C403.3 are met and the *HVAC total system performance ratio* of the *proposed design* is more than or equal to the *HVAC total system performance ratio* of the *standard reference design*. The *HVAC TSPR* is calculated according to the following formula:

$$\text{HVAC TSPR} = \frac{\text{annual heating and cooling load/annual carbon emissions from energy consumption of the building}}{\text{HVAC systems}}$$

Where:

Annual carbon emissions from energy consumption of the building HVAC systems = sum of the annual carbon emissions in pounds for heating, cooling, fans, energy recovery, pumps, and heat rejection calculated by multiplying site energy consumption by the carbon emission factors from Table C407.1

Annual heating and cooling load = sum of the annual heating and cooling loads met by the building HVAC system in thousands of Btus.

**Table C407.1 (Reprinted from Chapter 4)  
Carbon Emissions Factors**

Type	CO2e (lb/unit)	Unit
Electricity	0.70	kWh
Natural gas	11.70	Therm
Oil	19.2	Gallon
Propane	10.5	Gallon
Other <sup>a</sup>	195.00	mmBtu
On-site renewable energy	0.00	

<sup>a</sup> District energy systems may use alternative emissions factors supported by calculations approved by the code official.

**D300 Simulation program.**

**D301 General.**

**D302 Calculation of the HVAC TSPR for the *Standard Reference Design*.** The simulation program shall calculate the HVAC TSPR based only on the input for the *proposed design* and the requirements of this appendix. The calculation procedure shall not allow the user to directly modify the building component characteristics of the *standard reference design*.

**D303 Specific approval.** Performance analysis tools meeting the applicable subsections of Appendix D and tested according to ASHRAE Standard 140 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.

**D400 Climatic data.** The simulation program shall perform the simulation using hourly values of climatic data, such as temperature and humidity, using TMY3 data for the site as specified here: <https://buildingenergyscore.energy.gov/resources>

**D500 Documentation.** Documentation conforming to the provisions of this section shall be provided to the *code official*.

**D501 Compliance report.** Building permit submittals shall include:

1. A report produced by the simulation software that includes the following:

- 1.1 Address of the building.
- 1.2 Name of individual completing the compliance report.
- 1.3 Name and version of the compliance software tool.
- 1.4 The dimensions, floor heights and number of floors for each *block*.
- 1.5 By *block*, the *U*-factor, *C*-factor, or *F*-factor for each simulated opaque envelope component and the *U*-factor and SHGC for each fenestration component.
- 1.6 By *block* or by surface for each block, the fenestration area.
- 1.7 By *block*, a list of the HVAC equipment simulated in the proposed design including the equipment type, fuel type, equipment efficiencies and system controls.
- 1.8 The *HVAC total system performance ratio* for both the *standard reference design* and the *proposed design*.

2. A mapping of the actual building HVAC component characteristics and those simulated in the *proposed design* showing how individual pieces of HVAC equipment identified above have been combined into average inputs as required by Section D601.11 including:

- 2.1 Fans.
- 2.2 Hydronic pumps.
- 2.3 Air handlers.
- 2.4 Packaged cooling equipment.
- 2.5 Furnaces.

- 2.6 Heat pumps.
- 2.7 Boilers.
- 2.8 Chillers.
- 2.9 Cooling towers.
- 2.10 Electric resistance coils.
- 2.11 Condensing units.
- 2.12 Motors for fans and pumps.
- 2.13 Energy recovery devices.

For each piece of equipment identified above, include the following as applicable:

- 2.14 Equipment name or tag consistent with that found on the design documents.
- 2.15 Efficiency level.
- 2.16 Capacity.
- 2.17 Input power for fans and pumps.

3. Floor plan of the building identifying how portions of the building are assigned to the simulated *blocks* and areas of the building that are not covered under the requirements of Section C403.1.1.

**D600 Calculation procedure.** Except as specified by this appendix, the *standard reference design* and *proposed design* shall be configured and analyzed using identical methods and techniques.

**D601 Simulation of the proposed building design.** The *proposed design* shall be configured and analyzed as specified in this section.

**D601.1 Utility rates.** For the purpose of calculating the *HVAC TSPR* the following simple utility rate determined by the Washington state department of commerce shall be used:

- \$0.112/kWh of electricity.
- \$1.158/therm of fossil fuel.

**D601.2 Block geometry.** The geometry of buildings shall be configured using one or more *blocks*. Each *block* shall define attributes including *block* dimensions, number of floors, floor to floor height and floor to ceiling height. Simulation software may allow the use of simplified shapes (such as rectangle, L shape, H shape, U shape or T shape) to represent *blocks*. Where actual building shape does not match these predefined shapes, simplifications are permitted providing the following requirements are met:

1. The conditioned floor area and volume of each block shall match the *proposed design* within 10 percent.
2. The area of each exterior envelope component from Table C402.1.4 is accounted for within 10 percent of the actual design.
3. The area of vertical fenestration and skylights is accounted for within 10 percent of the actual design.
4. The orientation of each component in 2 and 3 above is accounted for within 45 degrees of the actual design.

The creation of additional *blocks* may be necessary to meet these requirements.

**EXCEPTION:** Portions of the building that are unconditioned or served by systems not covered by the requirements of Section C403.1.1 shall be omitted.

**D601.2.1 Number of blocks.** One or more *blocks* may be required per building based on the following restrictions:

1. Each *block* can have only one occupancy type (office, library, education or retail). Therefore, at least one single *block* shall be created for each unique use type.

2. Each *block* can be served by only one type of HVAC system. Therefore, a single *block* shall be created for each unique HVAC system and use type combination. Multiple HVAC units of the same type may be represented in one *block*. Table D601.10.2 provides directions for combining multiple HVAC units or components of the same type into a single *block*.

3. Each *block* can have a single definition of floor to floor or floor to ceiling heights. Where floor heights differ by more than 2 feet, unique *blocks* should be created for the floors with varying heights.

4. Each *block* can include either above grade or below grade floors. For buildings with both above grade and below grade floors, separate *blocks* should be created for each. For buildings with floors partially above grade and partially below grade, if the total wall area of the floor(s) in consideration is greater than or equal to 50 percent above grade, then it should be simulated as a completely above grade *block*, otherwise it should be simulated as a below grade *block*.

5. Each wall on a façade of a *block* shall have similar vertical fenestration. The product of the *proposed design* U-factor times the area of windows (UA) on each façade of a given floor cannot differ by more than 15 percent of the average UA for that façade in each *block*. The product of the *proposed design* SHGC times the area of windows (USHGC) on each façade of a given floor cannot differ by more than 15 percent of the average USHGC for that façade in each *block*. If either of these conditions are not met, additional *blocks* shall be created consisting of floors with similar fenestration.

6. For a building model with multiple *blocks*, the *blocks* should be configured together to have the same adjacencies as the actual building design.

**D601.3 Thermal zoning.** Each floor in a *block* shall be modeled as a single thermal zone or as five thermal zones consisting of four perimeter zones and a core zone. Below grade floors shall be modeled as a single thermal *block*. If any façade in the *block* is less than 45 feet in length, there shall only be a single thermal zone per floor. Otherwise each floor shall be modeled with 5 thermal zones. A perimeter zone shall be created extending from each façade to a depth of 15 feet. Where facades intersect, the zone boundary shall be formed by a 45 degree angle with the 2 facades. The remaining area or each floor shall be modeled as a core zone with no exterior walls.

**D601.4 Occupancy.**

**D601.4.1 Occupancy type.** The occupancy type for each *block* shall be consistent with the building area type as determined in accordance with Section C405.4.2.1. Portions of the building that are building area types other than office, school (education), library, or retail shall not be included in the simulation.

**D601.4.2 Occupancy schedule, density, and heat gain.** The occupant density, heat gain, and schedule shall be for office, retail, library, or school as specified by ASHRAE Standard 90.1 Normative Appendix C.

**D601.5 Envelope components.**

**D601.5.1 Roofs.** Roofs will be modeled with insulation above a steel roof deck. The roof *U*-factor and area shall be modeled as in the proposed design. If different roof thermal properties are present in a single block, an area weighted *U*-factor shall be used. Roof solar absorptance shall be modeled at 0.70 and emittance at 0.90.

**D601.5.2 Above grade walls.** Walls will be modeled as steel frame construction. The *U*-factor and area of above grade walls shall be modeled as in the *proposed design*. If different wall constructions exist on the façade of a *block* an area-weighted *U*-factor shall be used.

**D601.5.3 Below grade walls.** The *C*-factor and area of below grade walls shall be modeled as in the *proposed design*. If different slab on grade floor constructions exist in a *block*, an area-weighted *C*-factor shall be used.

**D601.5.4 Above grade exterior floors.** Exterior floors shall be modeled as steel frame. The *U*-factor and area of floors shall be modeled as in the *proposed design*. If different wall constructions exist in the block an area-weighted *U*-factor shall be used.

**D601.5.5 Slab on grade floors.** The *F*-factor and area of slab on grade floors shall be modeled as in the *proposed design*. If different below grade wall constructions exist in a *block*, an area-weighted *F*-factor shall be used.

**D601.5.6 Vertical fenestration.** The window area and area weighted *U*-factor and SHGC shall be modeled for each façade based on the *proposed design*. Each exterior surface in a *block* must comply with Section D601.2.1 item 5. Windows will be combined in to a single window centered on each façade based on the area and sill height input by the user.

**D601.5.7 Skylights.** The skylight area and area weighted *U*-factor and SHGC shall be modeled for each floor based the *proposed design*. Skylights will be combined in to a single skylight centered on the roof of each zone based on the area and sill height input by the user.

**D601.6 Lighting.** Interior lighting power density shall be equal to the allowance in Table C405.4.2(1) for office, retail, library, or school. The lighting schedule shall be for office, retail, library, or school as specified by ASHRAE Standard 90.1 Normative Appendix C. The impact of lighting controls is assumed to be captured by the lighting schedule and no explicit controls shall be modeled. Exterior lighting shall not be modeled.

**D601.7 Miscellaneous equipment.** The miscellaneous equipment schedule power and shall be for office, retail, library, or school as specified by ASHRAE Standard 90.1 Normative Appendix C. The impact of miscellaneous equipment controls is assumed to be captured by the equipment schedule and no explicit controls shall be modeled.

**D601.8 Elevators.** Elevators shall not be modeled.

**D601.9 Service water heating equipment.** Service water heating shall not be modeled.

**D601.10 On-site renewable energy systems.** On-site renewable energy systems shall not be modeled.

**D601.11 HVAC equipment.** HVAC systems shall meet the requirements of Section C403.

**D601.11.1 Supported HVAC systems.** At a minimum, the HVAC systems shown in Table D601.11.1 shall be supported by the simulation program.

**Table D601.11.1**

**Proposed Building HVAC Systems Supported by HVAC TSPR Simulation Software**

<b><u>System No.</u></b>	<b><u>System Name</u></b>	<b><u>System Abbreviation</u></b>
1	Packaged Terminal Air Conditioner	PTAC
2	Packaged Terminal Air Heat Pump	PTHP
3	Packaged Single Zone Gas Furnace	PSZGF
4	Packaged Single Zone Heat Pump (air to air only)	PSZHP
5	Variable Refrigerant Flow (air cooled only)	VRF
6	Four Pipe Fan Coil	FPEC
7	Water Source Heat Pump	WSHP
8	Ground Source Heat Pump	GSHP
9	Packaged Variable Air Volume (dx cooling)	PVAV
10	Variable Air Volume (hydronic cooling)	VAV
11	Variable Air Volume with Fan Powered Terminal Units	VAVFPTU
12	Dedicated Outdoor Air System (in conjunction with systems 1-8)	DOAS

**D601.11.2 Proposed building HVAC system simulation.** The HVAC systems shall be modeled as in the *proposed design* with clarifications and simplifications as described in Table D601.11.2. System parameters not described in the following sections shall be simulated to meet the minimum requirements of Section C403. All zones within a *block* shall be served by the same HVAC system type as described in Section D601.2.1 item 2. Where multiple system components serve a block, average values weighed by the appropriate metric as described in this section shall be used. Heat loss from ducts and pipes shall not be modeled.

**EXCEPTION:** Where the building permit applies to only a portion of an HVAC system and remaining components will be designed under a future building permit, the future components shall be modeled to meet, but not exceed, the requirements of Section C403.

**Table D601.11.2**  
**Proposed Building System Parameters**

<u>Category</u>	<u>Parameter</u>	<u>Fixed or User Defined</u>	<u>Required</u>	<u>Applicable Systems</u>
<u>HVAC System Type</u>	<u>System Type</u>	<u>User Defined</u>	<u>Selected from Table D601.11.1</u>	<u>All</u>
<u>System Sizing</u>	<u>Design Day Information</u>	<u>Fixed</u>	<u>99.6 percent heating design and 1 percent dry-bulb and 1 percent wet-bulb cooling design</u>	<u>All</u>
	<u>Zone Coil Capacity</u>	<u>Fixed</u>	<u>Sizing factors used are 1.25 for heating equipment and 1.15 for cooling equipment</u>	<u>All</u>
	<u>Supply Airflow</u>	<u>Fixed</u>	<u>Based on a supply-air-to-room-air temperature set-point difference of 20°F</u>	<u>1-11</u>
		<u>Fixed</u>	<u>Equal to required outdoor air ventilation</u>	<u>12</u>
<u>Outdoor Ventilation Air</u>	<u>Outdoor Ventilation Air Flow Rate</u>	<u>Fixed</u>	<u>As specified in ASHRAE Standard 90.1 Normative Appendix C, adjusted for proposed DCV control</u>	<u>All</u>
<u>System Operation</u>	<u>Space Temperature Setpoints</u>	<u>Fixed</u>	<u>As specified in ASHRAE Standard 90.1 Normative Appendix C</u>	<u>1-11</u>
	<u>Fan Operation - Occupied</u>	<u>User Defined</u>	<u>Runs continuously during occupied hours or cycled to meet load</u>	<u>1-11</u>
	<u>Fan Operation - Occupied</u>	<u>Fixed</u>	<u>Fan runs continuously during occupied hours</u>	<u>12</u>
	<u>Fan Operation - Night Cycle</u>	<u>Fixed</u>	<u>Fan cycles on to meet setback temperatures</u>	<u>1-11</u>
<u>Packaged Equipment Efficiency</u>	<u>DX Cooling Efficiency</u>	<u>User Defined</u>	<u>Cooling COP without fan energy calculated in accordance with ASHRAE Standard 90.1 Section 11.5.2c.<sup>b</sup></u>	<u>1, 2, 3, 4, 5, 7, 8, 9, 11, 12</u>
	<u>Heat Pump Efficiency</u>	<u>User Defined</u>	<u>Heating COP without fan energy calculated in accordance with ASHRAE Standard 90.1 Section 11.5.2c.<sup>c</sup></u>	<u>2, 4, 5, 7, 8</u>
	<u>Furnace Efficiency</u>	<u>User Defined</u>	<u>Furnace thermal efficiency<sup>e</sup></u>	<u>3, 11</u>
<u>Heat Pump Supplemental Heat</u>	<u>Control</u>	<u>Fixed</u>	<u>Supplemental electric heat locked out above 40°F. Runs in conjunction with compressor between 40°F and 0°F.</u>	<u>2, 4</u>
<u>System Fan Power</u>	<u>Design Fan Power (W/cfm)</u>	<u>User Defined</u>	<u>Input electric power for all fans is required to operate at fan system design conditions divided by the supply airflow rate</u>	<u>All</u>
	<u>Single Zone System Fan Power During Deadband (W/cfm)</u>	<u>User Defined</u>	<u>W/cfm during deadband for VAV or multispeed single zone fans</u>	<u>3, 4, 5, 6, 7, 8</u>
<u>Variable Air Volume Systems</u>	<u>Part Load Fan Controls</u>	<u>User Defined</u>	<u>VFD included. User specifies presence of static pressure reset</u>	<u>9, 10, 11</u>
	<u>Supply Air Temperature Controls</u>	<u>User Defined</u>	<u>If not SAT reset constant at 55°F. SAT reset results in 60°F SAT during low load conditions</u>	<u>9, 10, 11</u>
	<u>Minimum Terminal Unit Airflow Percentage</u>	<u>User Defined</u>	<u>Average minimum terminal unit airflow percentage for block weighted by cfm</u>	<u>9, 10, 11</u>
	<u>Terminal Unit Heating Source</u>	<u>User Defined</u>	<u>Electric or hydronic</u>	<u>9, 10, 11</u>



<u>Category</u>	<u>Parameter</u>	<u>Fixed or User Defined</u>	<u>Required</u>	<u>Applicable Systems</u>
	<u>Fan Powered Terminal Unit (FPTU) Type</u>	<u>User Defined</u>	<u>Series or parallel FPTU</u>	<u>11</u>
	<u>Parallel FPTU Fan</u>	<u>Fixed</u>	<u>Sized for 50 percent peak primary air at 0.35 W/cfm</u>	<u>11</u>
	<u>Series FPTU Fan</u>	<u>Fixed</u>	<u>Sized for 50 percent peak primary air at 0.35 W/cfm</u>	<u>11</u>
<u>Economizer</u>	<u>Economizer Presence</u>	<u>User Defined</u>	<u>Yes or No</u>	<u>3, 4, 9, 10, 11</u>
	<u>Economizer High Limit</u>	<u>Fixed</u>	<u>75°F fixed dry-bulb</u>	<u>3, 4, 9, 10, 11</u>
<u>Energy Recovery</u>	<u>Sensible Effectiveness</u>	<u>User Defined</u>	<u>Heat exchanger sensible effectiveness at design heating and cooling conditions</u>	<u>3, 4, 9, 10, 11, 12</u>
	<u>Latent Effectiveness</u>	<u>User Defined</u>	<u>Heat exchanger latent effectiveness at design heating and cooling conditions</u>	<u>3, 4, 9, 10, 11, 12</u>
	<u>Economizer Bypass</u>	<u>User Defined</u>	<u>If ERV is bypassed during economizer conditions</u>	<u>3, 4, 9, 10, 11, 12</u>
	<u>Energy Recovery Temp Control</u>	<u>User Defined</u>	<u>If bypass, target supply air temperature</u>	<u>3, 4, 9, 10, 11, 12</u>
	<u>Fan Power Reduction during Bypass (W/cfm)</u>	<u>User Defined</u>	<u>If ERV system include bypass, static pressure setpoint and variable speed fan, fan power can be reduced during economizer conditions</u>	<u>3, 4, 9, 10, 11, 12</u>
<u>Demand Controlled Ventilation</u>	<u>DCV Application</u>	<u>User Defined</u>	<u>Percent of block floor area under DCV control</u>	<u>3, 4, 9, 10, 11, 12</u>
<u>DOAS</u>	<u>DOAS Fan Power W/cfm</u>	<u>User Defined</u>	<u>Fan input power in W/cfm of supply airflow<sup>a</sup></u>	<u>12</u>
	<u>DOAS Supplemental Heating and Cooling</u>	<u>User Defined</u>	<u>Heating source, cooling source</u>	<u>12</u>
	<u>DOAS Supply Air Temperature Control</u>	<u>User Defined</u>	<u>SAT setpoint if DOAS includes supplemental heating or cooling and active temperature controls</u>	<u>12</u>
<u>Heating Plant</u>	<u>Boiler Efficiency<sup>d</sup></u>	<u>User Defined</u>	<u>Boiler thermal efficiency</u>	<u>1, 6, 7, 9, 10, 11, 12</u>
	<u>Heating Water Pump Power (W/gpm)</u>	<u>User Defined</u>	<u>Pump input W/gpm heating water flow</u>	<u>1, 6, 7, 9, 10, 11, 12</u>
	<u>Heating Water Loop Temperature</u>	<u>Fixed</u>	<u>180°F supply, 130°F return</u>	<u>1, 6, 9, 10, 11</u>
<u>Chilled Water Plant</u>	<u>Chiller Compressor Type</u>	<u>User Defined</u>	<u>Screw/scroll, centrifugal or reciprocating</u>	<u>6, 10, 11, 12</u>
	<u>Chiller Condenser Type</u>	<u>User Defined</u>	<u>Air cooled or water cooled</u>	<u>6, 10, 11, 12</u>
	<u>Chiller Full Load Efficiency<sup>d</sup></u>	<u>User Defined</u>	<u>Chiller COP</u>	<u>6, 10, 11, 12</u>
	<u>Chilled Water Loop Configuration</u>	<u>User Defined</u>	<u>Variable flow primary only, constant flow primary - variable flow secondary</u>	<u>6, 10, 11, 12</u>

<u>Category</u>	<u>Parameter</u>	<u>Fixed or User Defined</u>	<u>Required</u>	<u>Applicable Systems</u>
	<u>Chilled Water Pump Power (W/gpm)</u>	<u>User Defined</u>	<u>Pump input W/gpm chilled water flow</u>	<u>6, 10, 11, 12</u>
	<u>Chilled Water Temperature Reset Included</u>	<u>User Defined</u>	<u>Yes/No</u>	<u>6, 10, 11, 12</u>
	<u>Chilled Water Temperature Reset Schedule (if included)</u>	<u>Fixed</u>	<u>Outdoor air reset: CHW supply temperature of 44°F at 80°F outdoor air dry-bulb and above, CHW supply temperature of 54°F at 60°F outdoor air dry-bulb temperature and below, ramped linearly between</u>	<u>6, 10, 11, 12</u>
	<u>Condenser Water Pump Power (W/gpm)</u>	<u>User Defined</u>	<u>Pump input W/gpm condenser water flow</u>	<u>6, 7, 8, 9, 10, 11, 12</u>
	<u>Condenser Water Pump Control</u>	<u>User Defined</u>	<u>Constant speed or variable speed</u>	<u>6, 7, 10, 11, 12</u>
	<u>Cooling Tower Efficiency</u>	<u>User Defined</u>	<u>gpm/hp tower fan</u>	<u>6, 10, 11, 12</u>
<u>Cooling Tower</u>	<u>Cooling Tower Fan Control</u>	<u>User Defined</u>	<u>Constant or variable speed</u>	<u>6, 10, 11, 12</u>
	<u>Cooling Tower Approach and Range</u>	<u>User Defined</u>	<u>Design cooling tower approach and range temperature</u>	<u>6, 10, 11, 12</u>
<u>Heat Pump Loop Flow Control</u>	<u>Loop Flow and Heat Pump Control Valve</u>	<u>Fixed</u>	<u>Two position valve with VFD on pump. Loop flow at 3 gpm/ton</u>	<u>7, 8</u>
<u>Heat Pump Loop Temperature Control</u>		<u>Fixed</u>	<u>Set to maintain temperature between 50°F and 70°F</u>	<u>7</u>
<u>GLHP Well Field</u>		<u>Fixed</u>	<u>Bore depth = 250 feet Bore length 200 feet/ton for greater of cooling or heating load Bore spacing = 15 feet Bore diameter = 5 inches 3/4 inch Polyethylene pipe Ground and grout conductivity = 4.8 Btu-in/h-ft<sup>2</sup>-°F</u>	<u>8</u>

<sup>a</sup> Where multiple fan systems serve a single *block*, fan power is based on weighted average using on supply air cfm.  
<sup>b</sup> Where multiple cooling systems serve a single *block*, COP is based on a weighted average using cooling capacity.  
<sup>c</sup> Where multiple heating systems serve a single *block*, thermal efficiency or heating COP is based on a weighted average using heating capacity.  
<sup>d</sup> Where multiple boilers or chillers serve a heating water or chilled water loop, efficiency is based on a weighted average for using heating or cooling capacity.

**D602 Simulation of the standard reference design.** The *standard reference design* shall be configured and analyzed as specified in this section.

**D602.1 Utility rates.** Same as proposed.

**D602.2 Blocks.** Same as proposed.

**D602.3 Thermal zoning.** Same as proposed.

**D602.4 Occupancy type, schedule, density, and heat gain.** Same as proposed.

**D602.5 Envelope components.** Same as proposed.

**D602.6 Lighting.** Same as proposed.

**D602.7 Miscellaneous equipment.** Same as proposed.

**D602.8 Elevators.** Not modeled. Same as proposed.

**D602.9 Service water heating equipment.** Not modeled. Same as proposed.

**D602.10 On-site renewable energy systems.** Not modeled. Same as proposed.

**D602.11 HVAC equipment.** The *standard reference design* HVAC equipment consists of separate space conditioning systems and dedicated outside air systems as described in Table D602.11 for the appropriate building occupancies.

**Table D602.11**  
**Standard Reference Design HVAC Systems**

<b>Parameter</b>	<b>Building Type</b>			
	<b>Large Office<sup>a</sup></b>	<b>Small Office and Libraries<sup>a</sup></b>	<b>Retail</b>	<b>School</b>
<b>System Type</b>	<b>Water-source Heat Pump</b>	<b>Packaged air-source Heat Pump</b>	<b>Packaged air-source Heat Pump</b>	<b>Packaged air-source Heat Pump</b>
Fan Control <sup>b</sup>	Cycle on Load	Cycle on Load	Cycle on Load	Cycle on Load
Space Condition Fan Power (W/cfm)	0.528	0.528	0.522	0.528
Heating/Cooling Sizing Factor <sup>c</sup>	1.25/1.15	1.25/1.15	1.25/1.15	1.25/1.15
Supplemental Heating Availability	NA	<40°F	<40°F	<40°F
Modeled cooling COP (Net of Fan) <sup>d</sup>	4.46	3.83	4.25	3.83
Modeled heating COP (Net of Fan) <sup>d</sup>	4.61	3.81	3.57	3.81
Cooling Source	DX (Heat Pump)	DX (Heat Pump)	DX (Heat Pump)	DX (Heat Pump)
Heat Source	Heat Pump	Heat Pump	Heat Pump	Heat Pump
OSA Economizer <sup>e</sup>	No	No	Yes	Yes
Occupied Ventilation Source <sup>f</sup>	DOAS	DOAS	DOAS	DOAS
DOAS Fan Power (W/cfm of Outside Air)	0.819	0.819	0.730	0.742
DOAS Temperature Control <sup>g,h</sup>	Bypass	Wild	Bypass	Bypass
ERV Efficiency (Sensible Only)	70 percent	70 percent	70 percent	70 percent
WSHP Loop Heat Rejection	Cooling Tower <sup>i</sup>	NA	NA	NA
WSHP Loop Heat Source	Gas Boiler <sup>i</sup>	NA	NA	NA
WSHP Loop Temperature Control <sup>k</sup>	50°F to 70°F	NA	NA	NA
WSHP Circulation Pump W/gpm <sup>l</sup>	16	NA	NA	NA
WSHP Loop Pumping Control <sup>m</sup>	HP Valves & Pump VSD	NA	NA	NA

<sup>a</sup> Offices less than 50,000 square feet use "Small Office" parameters; otherwise use "Large Office" parameters.

<sup>b</sup> Space conditioning system shall cycle on to meet heating and cooling setpoint schedules as specified in ASHRAE Standard 90.1 Normative Appendix C. One space conditioning system is modeled in each zone. Conditioning system fan operation is not necessary for ventilation delivery.

<sup>c</sup> The equipment capacities (i.e., system coil capacities) for the *standard reference design* building design shall be based

on design day sizing runs and shall be oversized by 15 percent for cooling and 25 percent for heating.

<sup>d</sup> COPs shown are direct heating or cooling performance and do not include fan energy use. See ASHRAE 90.1 Appendix G (G3.1.2.1) for separation of fan from COP in packaged equipment for units where the efficiency rating includes fan energy (e.g., SEER, EER, HSPF, COP).

<sup>e</sup> Economizer on space conditioning systems shall be simulated when outdoor air conditions allow free cooling. Econo-

mizer high limit shall be based on differential dry-bulb control. DOAS system continues to operate during economizer mode.

f Airflow equal to the outside air ventilation requirements is supplied and exhausted through a separate DOAS system including a supply fan, exhaust fan and sensible only heat exchanger. No additional heating or cooling shall be provided by the DOAS. A single DOAS system will be provided for each block. The DOAS supply and return fans shall run whenever the HVAC system is scheduled to operate in accordance with ASHRAE 90.1 Normative Appendix C.

g "Wild" DOAS control indicates no active control of the supply air temperature leaving the DOAS system. Temperature will fluctuate based only on entering and leaving conditions and the effectiveness of ERV.

h "Bypass" DOAS control includes modulating dampers to bypass ERV with the intent to maintain supply air temperature at a maximum of 60°F when outside air is below 75°F. Once outside air is above 75°F, bypass dampers will be fully closed.

i Includes a single axial fan cooling tower with variable speed fans at 40.2 gpm/hp, sized for an approach of 10°F and a range of 10°F.

j Includes a single natural draft boiler with 80 percent  $E_r$ .

k Loop boiler and heat rejection shall be controlled to maintain loop temperature entering heat pumps between 50°F and 70°F.

l Pump motor input power shall be 16 W/gpm.

m Loop flow shall be variable with variable speed drive pump and unit fluid flow shutoff at each heat pump when its compressor cycles off.

**NEW SECTION**

**WAC 51-11C-90000 Appendix E—Renewable energy.**

**Informational Note:** *The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

**E101.1 On-site renewable energy systems.** Each new commercial building or addition larger than 5,000 square feet of gross conditioned floor area shall include a renewable energy generation system consisting of at least 70 watts rated peak photovoltaic energy production, or 240 kBtu of annual solar water heating energy production, per 1,000 square feet of conditioned floor area or fraction thereof. For buildings over 5 stories in height, the conditioned area for this calculation shall be based on the conditioned area of the largest 5 above-grade stories in the building. If the on-site renewable energy option in C406 is selected, this energy shall be in addition to that required by C406.

**EXCEPTION:** Alternate means of achieving equivalent energy savings are permissible where approved by the code official, if the calculated net annual energy savings equals or exceeds the calculated annual energy production of the required on-site renewable energy system.

**NEW SECTION**

**WAC 51-11C-90500 Appendix F—Outcome-based energy budget.**

**Informational Note:** *The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

**F101.1 General.** This section is an outcome-based energy budget compliance requirement pursuant to RCW 19.27A.-160 to incrementally move toward achieving by 2031 a 70 percent reduction in annual net energy use compared with 2006 baseline. As an outcome-based energy budget, this requirement uses a building's actual energy use to determine compliance.

**F101.2 Scope.** Buildings permitted under this section shall document one year of net energy use below an energy budget within 3 years after occupancy and every 5 years thereafter. Buildings and sites shall also be designed with the ability to offset in the future all estimated energy needs through renewable energy generation with minimum 40 percent on-site, maximum 40 percent off-site, and maximum 20 percent through green power purchase. Buildings that exceed the energy budget by up to 20 percent shall offset the excess amount through a green power purchase agreement. Buildings that exceed the energy budget by more than 20 percent shall, using a posted performance bond or financial security, offset the excess amount over 20 percent by installing renewable energy or with an energy retrofit.

**F101.3 Building permit submittal.** Building designs shall establish on the Washington State Outcome-Based Energy Budget form (Figure F101.3):

1. The anticipated building energy use is lower than the energy budget.
2. The energy generation ability in the future is greater than or equal to the anticipated building energy use.

**F101.3.1 Anticipated building energy use.** The total yearly energy use from all metered fuel sources is the anticipated building energy use. Any energy used from district energy, combined heat and power, renewable energy, or captured waste heat systems must be metered. Buildings with any non-metered energy sources are not permitted for compliance with this section. All secondary spaces and services (examples: Exterior building and site lighting, surface parking, garages, exterior swimming pools, and vehicle recharging stations) associated with the building shall be included in the overall energy use total. The anticipated site Energy Use Intensity (EUI) for each fuel source shall be reported in units of kWh/ft<sup>2</sup>/yr or kBtu/ft<sup>2</sup>/yr using the conversions listed below:

Metered Fuel Source	to kWh:	to kBtu:
Electric	kWh × 1	kWh × 3.412
Gas	Therm × 29.308	Therm × 100
Propane	Cubic Foot × 0.738	Cubic Foot × 2.5185

Metered Fuel Source	to kWh:	to kBtu:
Fuel Oil	Gallon × 43.872	Gallon × 149.6905

**F101.3.2 Building use and occupancy types.** Building use and occupancy types permitted are indicated in Table F101.3.2.

**F101.3.3 Maximum site energy budget.** Table F101.3.2 indicates the site EUI budget for each building use and occupancy type along with the building enclosure requirements for all use and occupancy types.

**F101.3.3.1 Mixed-use buildings.** For buildings that contain more than one building use or occupancy type, the overall energy budget shall be based on the individual floor area percentage totals of each use times the individual energy budget and summing the results of all individual areas.

**F101.3.3.2 Energy budget level options.** Development teams may commit to a future, more stringent energy budget level from Table F101.3.2. Actual energy use and energy generation ability will be evaluated on this lower budget level.

**F101.3.3.3 Energy modeling.** A proposed building energy model is required for compliance with Section F101.3.2. A baseline energy model is not required. The proposed design model must show estimated energy use below the energy.

**F101.3.4 Energy generation ability.** Permit documents shall indicate the location, space allocated, and connection pathways for future installation of all potential energy generation systems. Only items defined by the Washington State Energy Code as on-site renewable energy shall be used to meet energy generation requirements.

**F101.3.4.1 Energy generation categories.** The development team shall complete the Washington State Outcome-Based Energy Budget form (Figure F101.3) to show the total renewable energy generation ability in the following categories:

1. Building integral: Renewable energy generation sources attached to the building. This value, combined with the on-site value, shall be at least 40 percent of the energy budget.
2. On-site: Renewable energy generation sources located on the building site property. This value, combined with the building integral value, shall be at least 40 percent of the energy budget.
3. Off-site: Renewable energy generation sources not located on the building site. This amount is limited to 40 percent of the energy budget. A specific off-site location does not need to be identified.
4. Green Power: Renewable energy purchased through the electric utility provider for the building. This amount is limited to 20 percent of the energy budget.

**F101.3.4.2 Energy generation ability for building sites within a 2030 District.** The development team for building sites within a designated 2030 District recognized by Architecture 2030 may use the Architecture 2030 Challenge 70 percent energy reduction target from the 2003 baseline as the

energy budget. Building locations meeting this criteria and choosing this energy budget are exempt from the building integral and on-site requirements in Section F101.3.4.1. Green power remains capped at 20 percent. The generation requirements may be split, in any amount, among the building integral, on-site, or off-site categories. Actual energy use will be evaluated against the Architecture 2030 Challenge 70 percent energy reduction budget.

**F101.4 Actual energy use submittal.** The building owner or representative shall submit energy use documentation summary from all energy source providers or from an energy benchmarking service to the building code official. Code compliance is achieved with net energy use below the energy budget for any continuous 12-month span within the first 3 years of occupancy.

**F101.4.1 Energy use monitoring period and occupancy.** The energy use monitoring time frame shall start on the first full-month billing cycle of the utility or energy source provider(s) 6 months after a certificate of occupancy is issued. Buildings shall be deemed substantially occupied when a minimum 85 percent of the floor area, including all common areas, is occupied. The energy monitoring start time may be delayed up to an additional 6 months from certificate of occupancy (up to 12 months total) if 85 percent occupancy is not yet achieved. Buildings not 85 percent occupied after 12 months shall start the monitoring period for the portions occupied with an energy budget based on the spaces occupied and all common areas combined.

**F101.4.2 Change of occupancy use during monitoring period.** If an area within the building changes from one occupancy use to another with a different target EUI energy budget or if the building occupancy level drops below 85 percent, the target EUI energy budget shall be recalculated to become the new energy budget against which the building energy use shall be compared for compliance.

**F101.4.3 Energy metering.** All building spaces and uses subject to an energy budget or a portion of the energy budget shall be metered separately for all energy uses.

**F101.4.4 Energy budget responsibility.** The building owner is responsible for the compliance of the whole building. At the building owner's discretion, responsibility for the energy use budget may be divided and transferred into portions attributable to the occupant, operator or controller of each energy budget space. Common area spaces not under the control of an occupant or tenant may not be transferred.

**F101.4.5 Energy budget liability.** A member of the design or construction team may not be held liable for the failure of a building to meet the energy budget requirement established for the project provided the design or construction team made a good-faith attempt to achieve the energy budget requirement set for the building.

**F101.5 Actual energy use above the energy budget.** Buildings exceeding the energy budget are not in compliance with the energy code and the building owner shall complete one of the following measures within 1 year:

1. Owners of buildings with actual energy use that exceeds the energy budget by up to 20 percent may offset the

excess energy amount through annual green power purchase agreement from the utility provider at a rate of 1.1 times the excess energy amount until future code compliance is demonstrated.

2. Owners of buildings with actual energy use that exceeds the energy budget by more than 20 percent and up to 40 percent shall complete item 1 and either install on-building, on-site, or off-site energy generation equipment or invest in an energy conservation retrofit using the performance bond or financial security for energy amount remaining above 20 percent.

3. Owners of buildings with actual energy use that exceeds the energy budget by more than 40 percent shall complete item 1, item 2, and post a replacement performance bond or financial security equal to the first bond or security amount.

**F101.5.1 Continued energy monitoring.** Upon completing the necessary compliance measure(s) in Section F101.5 the building owner is provided another 3-year time frame to achieve and document net energy use below the energy budget for any continuous 12-month span. Owners of buildings that remain more than 20 percent above the energy budget shall repeat the measures in Section F101.5, up to 3 times maximum, using the performance bond or financial security to install energy generation equipment or to install an energy retrofit and post a new performance bond equal to the first.

**F101.5.2 Tradable certificate for energy savings.** As an alternate to the requirements of Section F101.5 a building owner may, when this market-based instrument becomes available, purchase a Tradable Certificate for Energy Savings (TCES) or "white certificates" from a building or entity with energy savings. The building owner shall purchase TCES's equal to 1.1 times the amount that the building's actual energy use exceeds the energy budget.

**F101.6 Performance bond or financial security.** A building developer must secure and submit to the code official a per-

formance bond or an irrevocable financial security letter of credit from a state of Washington financial institution prior to certificate of occupancy issuance. The bond or security shall have a value equal to the cost of installing a photovoltaic (PV) system with a generating capacity equal to 20 percent of the energy budget or \$4.00 per square foot of gross conditioned floor area, whichever is lower. The bond or security shall be used only to install renewable energy on the building or for investment into energy conservation measures as part of an energy retrofit. The bond or security may also be held for one additional 3-year energy-monitoring period if green power is purchased. Upon demonstrated compliance with the energy budget, the bond or security requirement shall be released.

**F101.6.1 Failure to submit energy use data.** Building owners that fail to submit energy use data at the end of the 3-year monitoring period shall forfeit the full amount of the performance bond or financial security as payment to the local jurisdiction. Building owners that fail to submit energy use data at the end of each continuing five-year monitoring period shall be fined an amount equal to the original bond or financial security by the local jurisdiction.

**F101.7 Continued energy budget certification.** After achieving code compliance buildings shall be required every 5 years to document a continuous 12-month span with net energy use that is lower than the required energy budget. Owners of buildings with actual energy use that is at least 2.5 percent below their energy budget (from year permitted baseline, not voluntary year) may sell, when a future market-based instrument becomes available, their unused energy equivalents in the form of a "white certificate" or Tradable Certificate for Energy Savings.

**F101.8 Local amendments.** Local jurisdictions may amend the current code cycle EUI maximum energy budget by adopting a more stringent future code year value stated in Table F101.3.2.

**Table F101.3.2  
Washington State Outcome-Based Energy Budget**

**Zone 4C:**

Building Occupancy/ Use	Site EUI ft <sup>2</sup> /year	Base 2003	Current 2018	Future			
				2021	2024	2027	2030
A-3 Library	kWh	30.5	14.6	13.3	11.9	10.5	9.1
	kBtu	104	49.9	45.3	40.6	35.9	31.2
B Office/Bank	kWh	19.7	8.5	7.8	7.2	6.6	5.9
	kBtu	67.3	28.9	26.7	24.5	22.4	20.2
	kWh	14.8	7.1	6.4	5.8	5.1	4.4
	kBtu	50.4	24.2	21.9	19.6	17.4	15.1
E School K-12	kWh	17.1	8.2	7.4	6.7	5.9	5.1
	kBtu	58.4	28.0	25.4	22.8	20.2	17.5

	Site EUI	Base	Current	Future			
Building Occupancy/ Use	ft <sup>2</sup> /year	2003	2018	2021	2024	2027	2030
1-2 Hospital (in-patient)	kWh	51.6	24.8	22.5	20.1	17.8	15.5
	kBtu	176.1	84.5	76.6	68.7	60.8	52.8
M Grocery/Food Market	kWh	66.6	32.0	29.0	26.0	23.0	20.0
	kBtu	227.4	109.1	98.9	88.7	78.5	68.2
Retail	kWh	25.7	12.3	11.2	10.0	8.9	7.7
	kBtu	87.5	42.0	38.1	34.1	30.2	26.3
S-1 Parking Enclosed Garage <sup>a</sup> Open Garage <sup>a</sup>	kWh	3.8	2.3	2.0	1.7	1.4	1.1
	kBtu	13.0	8.0	7.0	5.9	4.9	3.9
	kWh	2.3	1.4	1.2	1.0	0.9	0.7
	kBtu	7.8	4.8	4.2	3.6	3.0	2.3
S-2 NonRefrigerated Distribution/Shipping <sup>b</sup>	kWh	8.6	4.1	3.7	3.3	3.0	2.6
	kBtu	29.2	14.0	12.7	11.4	10.1	8.8
R-2 Multi-Family (3+ stories) Lobby/Common Area Studio/Micro-unit One Bedroom Two Bedroom Three Bedroom Additional Bedroom	kWh	29.0	17.5	15.3	13.1	10.9	8.7
	kBtu	99	59.7	52.2	44.7	37.2	29.7
	kWh	9238	3284	3156	3028	2900	2771
	kBtu	31520	11205	10768	10331	9893	9456
	kWh	18476	6568	6312	6055	5799	5543
	kBtu	63040	22411	21536	20661	19787	18912
	kWh	27714	9852	9468	9083	8699	8314
	kBtu	94560	33616	32304	30992	29680	28368
	kWh	36952	13136	12624	12111	11598	11086
	kBtu	126080	44821	43072	41323	39573	37824
	kWh	9238	3284	3156	3028	2900	2771
	kBtu	31520	11205	10768	10331	9893	9456

All Occupancies/Use Types	2003	2018	2021	2024	2027	2030
<b>U-Factor</b>						
Vertical Fenestration						
Nonmetal		0.28	0.27	0.25	0.24	0.23
Metal - Fixed		0.33	0.31	0.28	0.26	0.23
Metal - Operable		0.34	0.32	0.29	0.26	0.23
Roof		0.016	0.015	0.014	0.013	0.012
Wall (above/below grade)		0.031	0.028	0.024	0.021	0.018
Floors		0.024	0.023	0.021	0.020	0.018
<b>F-Value</b>						
Slab on Grade		0.41	0.39	0.36	0.34	0.32

All Occupancies/Use Types	2003	2018	2021	2024	2027	2030
	<b>CFM75/ft<sup>2</sup></b>					
Air Leakage		0.25	0.17	0.14	0.11	0.08

**Zone 5B:**

	Site EUI	Base	Current	Future				
Building Occupancy/ Use	ft <sup>2</sup> /year	2003	2018	2021	2024	2027	2030	
A-3 Library	kWh	31.9	15.3	13.9	12.4	11.0	9.6	
	kBtu	108.8	52.2	47.3	42.4	37.5	32.6	
B Office/Bank	kWh	20.1	9.1	8.3	7.5	6.8	6.0	
	kBtu	68.6	30.9	28.3	25.8	23.2	20.6	
	Medical Office (nondiagnostic)	kWh	15.0	7.2	6.5	5.9	5.2	4.5
		kBtu	51.3	24.6	22.3	20.0	17.7	15.4
E School K-12	kWh	18.3	8.8	8.0	7.1	6.3	5.5	
	kBtu	62.4	30.0	27.2	24.3	21.5	18.7	
I-2 Hospital (in-patient)	kWh	48.5	23.3	21.1	18.9	16.7	14.6	
	kBtu	165.5	79.4	72.0	64.5	57.1	49.7	
M Grocery/Food Market	kWh	66.3	31.8	28.8	25.8	22.9	19.9	
	kBtu	226.1	108.5	98.4	88.2	78.0	67.8	
	Retail	kWh	28.4	13.6	12.4	11.1	9.8	8.5
		kBtu	97.0	46.6	42.2	37.8	33.5	29.1
S-1 Parking	Enclosed Garage <sup>a</sup>	kWh	3.8	2.3	2.0	1.7	1.4	1.1
		kBtu	13.0	8.0	7.0	5.9	4.9	3.9
	Open Garage <sup>a</sup>	kWh	2.3	1.4	1.2	1.0	0.9	0.7
		kBtu	7.8	4.8	4.2	3.6	3.0	2.3
	S-2 NonRefrigerated Distribution/Shipping <sup>b</sup>	kWh	10.5	5.0	4.6	4.1	3.6	3.1
		kBtu	35.8	17.2	15.6	14.0	12.4	10.7
R-2 Multi-Family (3+ stories)	Lobby/Common Area	kWh	29.0	18.8	16.3	13.8	11.2	8.7
		kBtu	99	64.2	55.6	46.9	38.3	29.7
	Studio/Micro-unit	kWh	9238	3495	3314	3133	2952	2771
		kBtu	31520	11925	11308	10691	10073	9456
	One Bedroom	kWh	18476	6990	6628	6267	5905	5543
		kBtu	63040	23851	22616	21381	20147	18912
	Two Bedroom	kWh	27714	10485	9943	9400	8857	8314
		kBtu	94560	35776	33924	32072	30220	28368



Building Occupancy/ Use	Site EUI	Base	Current	Future			
	ft <sup>2</sup> /year	2003	2018	2021	2024	2027	2030
Three Bedroom	kWh	36952	13980	13257	12533	11809	11086
	kBtu	126080	47701	45232	42763	40293	37824
Additional Bedroom	kWh	9238	3495	3314	3133	2952	2771
	kBtu	31520	11925	11308	10691	10073	9456

All Occupancies/Use Types	2003	2018	2021	2024	2027	2030
<b>U-Factor</b>						
Vertical Fenestration						
Nonmetal		0.25	0.23	0.21	0.18	0.16
Metal - Fixed		0.31	0.27	0.23	0.20	0.16
Metal - Operable		0.32	0.28	0.24	0.20	0.16
Roof		0.016	0.015	0.014	0.013	0.012
Wall (above/below grade)		0.031	0.028	0.024	0.021	0.018
Floors		0.024	0.023	0.021	0.020	0.018
<b>F-Value</b>						
Slab on Grade		0.41	0.39	0.36	0.34	0.32
<b>CFM75/ft<sup>2</sup></b>						
Air Leakage		0.25	0.17	0.14	0.11	0.08

<sup>a</sup>Lighting power allowance must still comply with Table C405.4.2(2).

<sup>b</sup>Applicable to heated warehouses only.

**FIGURE F101.3.2  
Washington State Outcome-based Energy Budget Form**

**WASHINGTON STATE OUTCOME-BASED ENERGY BUDGET FORM**

**Building occupancy/use** \_\_\_\_\_

**Conditioned floor area SF**

**Code maximum site EUI energy budget**

**Predicted EUI**

Electric

Gas

Propane

Oil

Other (source/generation)

*(reserved for graphics)*

**Generation Potential EUI**

Building Integral  (combined must exceed 40%)

On-site

Off-site  (max 40%)

Purchase  (max 40%)

**Percentage better than energy budget**

**Percentage potential EUI above predicted EUI**

**PROJECT SUMMARY**

Building Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

**PROJECT CERTIFICATION**

Name \_\_\_\_\_  
Firm \_\_\_\_\_  
Date \_\_\_\_\_

*(seal)*

**WSR 19-11-074  
PROPOSED RULES  
HEALTH CARE AUTHORITY**

[Filed May 16, 2019, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-027.

Title of Rule and Other Identifying Information: WAC 182-526-0155 Appellant's representation in the hearing.

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 26, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by June 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending this rule to allow a limited exception to the requirement that an attorney representing an appellant in a hearing must file a notice of appearance. The exception would apply to an attorney representing an appellant who was also the person that originally requested the appellant's hearing. The agency is also amending the list of people who may not represent an appellant in a hearing to include an employee of the department of children, youth, and families.

Reasons Supporting Proposal: This amendment removes a step for attorneys who request a hearing on behalf of an appellant.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Kerry Breen, P.O. Box 42700, Olympia, WA 98504-2700, 360-725-9970.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule making does not impose any costs on businesses.

May 16, 2019  
Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-23-201, filed 11/22/17, effective 12/23/17)

**WAC 182-526-0155 Appellant's representation in the hearing.** (1) ~~((A))~~ Appellants may act as ~~((his or her))~~ their own representative or may choose to have someone represent ~~((him or her))~~ them including, but not limited to, a friend, relative, community advocate, attorney or paralegal.

(2) All parties, including the health care authority (HCA) and their representatives, must provide their name, address, and telephone number to the office of administrative hearings (OAH) and all other parties prior to the hearing.

(3) The administrative law judge (ALJ) may require an appellant's representative to file a written notice of appearance, limited notice of appearance, or other documentation authorizing the representative to appear on behalf of the appellant.

(4) In cases involving confidential information, the representative must file a legally sufficient signed written consent or release of information document with HCA or HCA's authorized agent.

(5) If an appellant is represented by an attorney admitted to practice law in Washington state, the attorney must file a notice of appearance or limited notice of appearance and a notice of withdrawal if the attorney stops representing the ~~((party))~~ appellant before the hearing process ends.

(6) HCA allows an exception to the requirement to file a notice of appearance in subsection (5) of this section when an appellant is represented by an attorney admitted to practice law in Washington state, and that attorney originally requested the appellant's hearing under WAC 182-526-0095. If the attorney stops representing the appellant before the hearing process ends, the requirement to file a notice of withdrawal still applies.

(7) The following restrictions apply to an appellant's representative:

(a) HCA and HCA's authorized agents do not pay for an appellant's representation.

(b) OAH does not pay for an appellant's representation.

(c) The following people may not act as an appellant's representative in a hearing under this chapter:

(i) An employee of HCA;

(ii) HCA's authorized agent;

(iii) An employee of the department of social and health services (DSHS);

(iv) An employee of the department of children, youth and families (DCYF);

(v) An employee of OAH; or

~~((+))~~ (vi) Anyone under eighteen years of age.

**WSR 19-11-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed May 16, 2019, 3:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-028 on January 4, 2019.

Title of Rule and Other Identifying Information: WAC 220-354-250 Willapa Bay salmon fall fishery.

Hearing Location(s): On Tuesday, June 25, 2019, at 10:45 a.m. - 12:15 p.m., at the Region 6 Fish and Wildlife Office, 48 Devonshire Road, Montesano, WA 98563.

Date of Intended Adoption: On or after June 27, 2019.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2349, TTY 360-902-2207, by June 25, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for taking harvestable number of salmon during the commercial salmon fishery in Willapa Bay, while protecting species of fish listed as endangered.

Reasons Supporting Proposal: This rule will protect salmon species listed as endangered while supporting commercial salmon fishing opportunity in Willapa Bay and incorporates changes to the rule needed as a result of the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, 360-249-1213; Implementation: Kirt Hughes, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-

2705; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. No hydraulics are involved in this rule making.

The proposed rule does impose more-than-minor costs on businesses.

### **Small Business Economic Impact Statement Commercial Salmon Fishing for Willapa Bay, 2019**

#### **1. Description of the reporting, recordkeeping, and other compliance requirements of the proposed rule:**

These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish, marine mammals, and sea birds listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Willapa Bay.

**2. Kinds of professional services that a small business is likely to need in order to comply with such requirements:** These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited participation salmon fisheries, and legal gear requirements for those fisheries.

**3. Costs of compliance for businesses, including costs of equipment, supplies, labor, and increased administrative costs:** The changes proposed by these rules that carry potential compliance costs include gear restrictions during certain days in Areas 2N and 2M. WAC 220-354-250 specifies gillnet mesh requirements of 4.25" maximum for salmon fisheries in Catch Area 2N on September 3, 6, 9, 11, and 13 and in Catch Area 2M on September 4, 2019. This gear restriction is similar to gear restrictions the department has proposed in the past for Willapa Bay salmon fisheries and currently used in the Columbia River. Because some license holders fish the Columbia River and/or Grays Harbor, they have already acquired this gear. Other license holders will be required to obtain the gear if they choose to fish in Areas 2N or 2M on the aforementioned dates. In addition, this cost can be amortized over years, as the net should last for several seasons. Cost of compliance is a range of a one-time cost to satisfy compliance with the rule. That cost is between \$4,000 and \$5,000.

**4. Will compliance with the rule cause businesses to lose sales or revenue?** The proposed rules do not affect the harvestable numbers of salmon available to nontreaty fleets. Therefore, the proposed rules should not cause any businesses to lose sales or revenue.

**5. Cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:** The only metric available to the department for identifying the largest ten percent of businesses, or for use in a cost comparison for small and large businesses, is the exvessel value of salmon sold by each Willapa Bay salmon commercial license in recent years. This exvessel value is used as a surrogate for sales in this analysis, but it is an underestimate of total sales, since the majority of

the businesses affected have additional revenue from other fisheries and related ventures. In addition, this analysis assumes that all license holders will be required to purchase equipment described above. However, some license holders already own gear that meets the requirements, and will not be required to purchase new gear. These two factors combined mean that the cost of compliance per one hundred dollars of sales will be overestimated for small and large businesses. Also, note that each individual license was treated as a business for this analysis, although some businesses own more than one license.

In 2018, approximately thirty-nine Willapa Bay salmon licenses participated in the Willapa Bay commercial fishery. The cost of compliance will vary between license types, but the average cost per license is approximately \$4,500, assuming that all license holders will be required to spend the amounts described above. For the ten percent of licenses with the highest exvessel sales values for 2018 combined, the average exvessel value per year was \$16,399. This means that the cost of compliance per \$100 of exvessel value would be \$27.44. Most businesses affected by these rules qualify as small businesses, so an average cost of compliance for all businesses was calculated for comparison. The average exvessel value per year for all licenses for 2018 was \$5,008, meaning the average cost of compliance would be \$89.85 per \$100 of exvessel value. Again, both of these estimates of cost of compliance are believed to be overestimates, for the reasons described above.

**6. Steps taken by the agency to reduce the costs of the rule on small businesses or reasonable justification for not doing so:** Most businesses affected by these rules are small businesses. As indicated above, the gear restrictions proposed by the rules apply to Columbia River salmon fisheries, and are identical to gear restrictions the department has required in past Willapa Bay salmon fishery seasons.

**7. A description of how the agency will involve small businesses in the development of the rule:** As in previous years, WDFW interacted with and received input from affected businesses through the North of Falcon process, which is a series of public meetings occurring from February through April each year. These meetings allowed constituents to participate in formulating these rules.

**8. A list of industries that will be required to comply with the rule:** All licensed fishers attempting to harvest salmon in the all-citizen commercial salmon fisheries occurring in Willapa Bay will be required to comply with these rules.

A copy of the statement may be obtained by contacting Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, fax 360-249-1229, email Barbara.McClellan@dfw.wa.gov.

May 16, 2019  
Scott Bird  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-15-070, filed 7/17/18, effective 8/17/18)

**WAC 220-354-250 Willapa Bay salmon fall fishery.** From August 16 through December 31 of each year, it is

unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods:**

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Area	Time	Date(s)	Maximum Mesh Size
2N	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>((9/4))</del> <u>9/3</u>	4.25"
2M	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>((9/6))</del> <u>9/4</u>	4.25"
2N	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>((9/8))</del> <u>9/6</u>	4.25"
2N	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>((9/10, 9/13, 9/15;))</del> <u>9/9, 9/11, 9/13</u>	4.25"
<del>((2M</del>	<del>6:00 p.m. through 6:00 a.m.</del>	<del>9/11 through 9/12</del>	<del>4.25")</del>
2N, 2M, <u>2T, 2U</u>	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>9/16, 9/17, 9/18, 9/19, 9/20((, 9/21))</del>	6.5"
<del>((2U</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>9/17, 9/18, 9/19</del>	<del>4.25"</del>
<del>2T</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>9/19, 9/20, 9/21</del>	<del>6.5")</del>
2N, <u>2M, 2T</u>	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>9/22, 9/23, 9/24, 9/25, 9/26, 9/27((, 9/28))</del>	6.5"
<del>((2M</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>9/24, 9/25, 9/26, 9/27</del>	<del>6.5"</del>
<del>2T</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>9/26, 9/27, 9/28</del>	<del>6.5")</del>
2U	<del>((7:00))</del> <u>6:00</u> a.m. through <del>((7:00))</del> <u>6:00</u> p.m.	<del>9/23, 9/24, 9/25, 9/26, 9/27</del>	<del>((4.25"))</del> <u>6.5"</u>
2N, <u>2M, 2T, 2U</u>	7:00 a.m. through 7:00 p.m.	<del>9/30, 10/1, 10/2, 10/3, 10/4((, 10/5))</del>	6.5"
<del>((2M</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>10/1, 10/2, 10/3, 10/4</del>	<del>6.5"</del>
<del>2T</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>10/2, 10/3, 10/4, 10/5</del>	<del>6.5"</del>
<del>2U</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>10/1, 10/2, 10/3</del>	<del>4.25"</del>
<del>2U))</del> <u>2N, 2M, 2T</u>	7:00 a.m. through 7:00 p.m.	<del>10/7, 10/8, 10/9, 10/10</del>	<del>((4.25"))</del> <u>6.5"</u>
2U	7:00 a.m. through 7:00 p.m.	<del>10/7, 10/8, 10/9, 10/10, 10/11((, 10/12))</del>	<del>((4.25"))</del> <u>6.5"</u>
<del>((2T</del>	<del>7:00 a.m. through 7:00 p.m.</del>	<del>10/10</del>	<del>6.5"</del>
<del>2U</del>	<del>12:01 a.m. through 11:59 p.m.</del>	<del>11/1 through 11/2</del>	<del>6.5")</del>
2M, 2N, 2T, 2U	12:01 a.m. through 11:59 p.m.	<del>((11/5 through 11/9))</del> <u>11/4 through 11/6</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	<del>((11/12 through 11/16))</del> <u>11/11 through 11/15</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	<del>((11/19 through 11/23))</del> <u>11/18 through 11/22</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	<del>((11/26 through 11/30))</del> <u>11/25 through 11/29</u>	6.5"

**Gear:**

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear.

(b) It is permissible to have on-board a commercial vessel more than one net, provided the nets are of a mesh size

that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019; Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Area 2N on September ~~((4, 8, 10, 13, and 15,))~~ 3, 6, 9, 11, and 13, and in Area 2M on September ~~((6, 11, and 12, and in Area 2U on September 17, 18, 19, 24, 25, 26, October 1, 2, 3, 8, 9, 11, and 12))~~ 4.

#### Other:

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From 12:01 a.m. September 3 through 11:59 p.m. November 29, 2019, all steelhead and all wild (unmarked) Chinook must be placed in an operating recovery box, which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection. From 12:01 a.m. November ~~((4))~~ 4 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019, all chum must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.

(c) All fish placed in recovery boxes must remain until they are not lethargic and/or not bleeding and must be released to the river/bay prior to landing or docking.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "limited fish seller endorsement." According to WAC 220-352-320, reports must be ~~((made))~~ submitted by 10:00 a.m. on the day ~~((following landing,))~~ after the purchase date unless otherwise specified in ~~((an))~~ a voluntary electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho, Chinook, or chum salmon is prohibited.

(c) From 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. October ~~((12, 2018))~~ 11, 2019, retention of any species other than coho salmon, hatchery Chinook salmon marked by a healed scar at the site of the adipose fin, or chum salmon is prohibited.

(d) From 12:01 a.m. November ~~((4))~~ 4 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019, retention of any species other than coho salmon or hatchery Chinook salmon marked by a healed scar at the site of the adipose fin is prohibited.

(6) Report ~~((ALL))~~ all encounters of green sturgeon, white sturgeon, and steelhead, ((and wild (unmarked) Chinook)) (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at #866-791-1280, fax at #360-249-1229, or email at harborfish tickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do ~~((NOT))~~ not remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) Those waters of Area 2T<sub>1</sub> north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N, 123°50.83134'W are ~~((CLOSED))~~ closed from 12:01 a.m. September ~~((19, 2018))~~ 3, 2019, through 11:59 p.m., September ~~((28, 2018))~~ 30, 2019.

(9) It is unlawful to fish with gillnet gear in Areas 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession while fishing a department-issued certification card.

(10) Fishers must take department observers<sub>2</sub> if requested by department staff<sub>2</sub> when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or email, listed in subsection (6) of this section. Notice of intent must be given prior to 5:00 p.m. on August ~~((25, 2018))~~ 23, 2019.

**WSR 19-11-076**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed May 16, 2019, 5:00 p.m.]

May 16, 2019  
 Scott Bird  
 Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-028 on January 4, 2019.

Title of Rule and Other Identifying Information: WAC 220-354-290 Grays Harbor salmon fall fishery.

Hearing Location(s): On June 25, 2019, at 9:00 - 10:30 a.m., at the Region 6 Fish and Wildlife Office, Conference Room, 48 Devonshire Road, Montesano, WA 98563.

Date of Intended Adoption: June 26, 2019.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2349, TTY 360-902-2207, email Dolores.Noyes@dfw.wa.gov, by June 25, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for taking harvestable numbers of salmon during the commercial salmon fisheries in Grays Harbor, while protecting species of fish listed as endangered.

Reasons Supporting Proposal: This rule will protect salmon species while also supporting commercial salmon fishing in Grays Harbor.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kim Figlar-Barnes, 48 Devonshire Road, Montesano, WA 98563, 360-249-4628; Implementation: Kirt Hughes, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2705; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule proposal does not affect hydraulics.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule changes will not affect the number of salmon available to harvest for licensed commercial fisheries in Grays Harbor. Therefore, the proposed rule changes are not expected to cause any loss of sales or revenue.

A copy of the detailed cost calculations may be obtained by contacting Kim Figlar-Barnes, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-4628, fax 360-249-1229, email Kim.Figlar-Barnes@dfw.wa.gov.

AMENDATORY SECTION (Amending WSR 18-17-071, filed 8/10/18, effective 9/10/18)

**WAC 220-354-290 Grays Harbor salmon fall fishery.**

From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods:**

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
<del>(7:00 a.m. through 7:00 p.m. October 22;</del>	Area 2A and Area 2D
<del>12:00 p.m. through 11:59 p.m. October 30;</del>	
<del>7:00 a.m. through 7:00 p.m. October 31;</del>	
<del>7:00 a.m. through 7:00 p.m. November 12;</del>	
AND	
<del>7:00 a.m. through 7:00 p.m. November 13;</del>	
<del>12:01 a.m. through 12:00 p.m. October 21;</del>	Area 2C
<del>12:00 p.m. through 11:59 p.m. October 24;</del>	
AND	
<del>12:00 p.m. through 11:59 p.m. October 31.)</del>	
<u>7:00 a.m. through 7:00 p.m. October 21;</u>	<u>Area 2A and Area 2D</u>
<u>7:00 a.m. through 7:00 p.m. October 22;</u>	
<u>7:00 a.m. through 7:00 p.m. October 23;</u>	
<u>7:00 a.m. through 7:00 p.m. October 24;</u>	
<u>7:00 a.m. through 7:00 p.m. October 28;</u>	
<u>7:00 a.m. through 7:00 p.m. October 29;</u>	
<u>7:00 a.m. through 7:00 p.m. October 30;</u>	
AND	

Time: Areas:

7:00 a.m. through 7:00 p.m.

October 31;

AND

12:01 p.m. through 11:59 p.m. Area 2C

October 16;

AND

12:01 p.m. through 11:59 p.m.

October 30.

### Gear:

#### (2) Gear restrictions:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. ~~((The lead line must not rest on the bottom in such a manner as to prevent the net from drifting.))~~ It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. ~~((The lead line must not rest on the bottom in such a manner as to prevent the net from drifting.))~~ It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

### Other:

#### (3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection.

The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:



Washington Department of Fish and Wildlife  
48 Devonshire Rd.  
Montesano, WA 98563.

(9)(a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 12:00 p.m. on October ((42) 4, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

**WSR 19-11-077**  
**PROPOSED RULES**  
**CLOVER PARK**  
**TECHNICAL COLLEGE**

[Filed May 17, 2019, 7:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-08-055.

Title of Rule and Other Identifying Information: Chapter 495C-140 WAC, repealer; chapter 495C-141 WAC, Use of college facilities; and chapter 495C-276 WAC, Access to public records.

Hearing Location(s): On July 10, 2019, at 4:00 p.m., at Clover Park Technical College, Board of Trustees Meeting, 4500 Steilacoom Boulevard S.W., Building 3, Rotunda, Lakewood, WA 98499.

Date of Intended Adoption: July 10, 2019.

Submit Written Comments to: Lisa Beach, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499, email lisa.beach@cptc.edu, fax 253-589-5784, by July 5, 2019.

Assistance for Persons with Disabilities: Contact Lisa Beach, phone 253-589-5603, fax 253-589-5784, email lisa.beach@cptc.edu, by July 5, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 495C-140 WAC will be fully repealed due to extensive required changes. Chapter 495C-141 WAC will be the new use of college facilities rule. It has been substantially reorganized, items incorporated that were originally elsewhere and updated to include current information. Chapter 495C-276 WAC, Access to public records, has been updated to reflect the changes to RCW 42.56.040.

Reasons Supporting Proposal: Standard updates and RCW changes.

Statutory Authority for Adoption: RCW 28B.50.140(13) and 42.56.040(1).

Statute Being Implemented: RCW 28B.50.140(13) and 42.56.040(1).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Clover Park Technical College, public and governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lisa Beach, Building 17, Room 109F, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499, 253-589-5603.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.228 [34.05.328] does not apply to these college rules.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

May 17, 2019  
Lisa R. Beach  
Director of Compliance  
Rules Coordinator

**Chapter 495C-141 WAC**

**USE OF COLLEGE FACILITIES**

NEW SECTION

**WAC 495C-141-010 Administrative control.** The board of trustees of Clover Park Technical College hereby delegates to the president of Clover Park Technical College authority to establish administrative rules and procedures governing the use of college facilities and to establish facility use schedules where appropriate.

NEW SECTION

**WAC 495C-141-020 Definitions.** (1) "College groups" shall mean individuals or groups who are currently enrolled students of Clover Park Technical College or are a recognized student organization or a recognized employee group of the college, or are sponsored by a recognized student organization, employee group or the administration of the college.

(2) "Noncollege groups" shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Clover Park Technical College and who are not officially affiliated or associated with, or invited guests of, a recognized student organization, a recognized employee group, or the administration of the college.

(3) "College facilities" includes all buildings, structures, grounds, office space, parking lots, vehicles and equipment that are owned or controlled by the college.

(4) "Public use areas" means those areas of each campus that the college has chosen to open as places where noncollege groups may assemble for expressive activities protected by the first amendment, subject to reasonable time, place, or manner restrictions.

(5) "Expressive activities" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or

sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

(6) "Chalking" shall mean expressive speech produced by writing or drawing with washable or erasable chalk, or similar media, on a college owned or controlled walkway or pathway used for pedestrian traffic.

(7) "Administrator in charge" shall mean the person who in the absence of the president has the authority and responsibility to act on behalf of the president.

(8) "Approving authority" shall mean the president, vice president for finance and administration, or his or her delegate.

#### NEW SECTION

**WAC 495C-141-030 Statement of purpose.** (1) Clover Park Technical College is an educational institution provided for and maintained by the people of the state of Washington. College facilities are reserved primarily for educational uses including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the college's educational mission. The college is under no obligation to make its public facilities available to the community for private purposes.

(2) The public character of the college does not grant to individuals an unlimited license to engage in conduct that limits, interferes with, or otherwise disrupts the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, Clover Park Technical College designates the common pedestrian walkways, pathways, thoroughfares, and grassy fields as a public use area and limited public forum dedicated to the use of college groups and non-college groups may use for the limited purposes recited herein and that are further subject to the time, place, and manner limitations and restrictions set forth in this chapter.

(3) The purpose of the time, place, and manner regulations set forth in this chapter is to establish procedures and reasonable controls for the use of college designated public use areas for college and noncollege groups. These regulations are intended to balance the college's responsibility to fulfill its mission as a state educational institution with the interests of college groups and noncollege groups seeking to engage in constitutionally protected speech, assembly, or expression on campus. These regulations govern the use of designated public spaces by college and noncollege groups and are not intended to limit or otherwise infringe upon other expressive rights possessed by these groups.

#### NEW SECTION

**WAC 495C-141-040 Expressive activities—Use of facilities.** (1) Clover Park Technical College designates the common pedestrian walkways, pathways, thoroughfares, and grassy fields as public use limited forum areas subject to the reasonable time, place, and manner limitations set forth in this chapter. Subject to the regulations and requirements of this chapter, both college and noncollege groups may use the campus limited forums for expressive activities Monday through Friday between the hours of 7:00 a.m. and 10:00 p.m.

(2) College groups that seek to engage in expressive conduct in a public use area are encouraged to notify the office of

the approving authority no later than twenty-four hours in advance of the event.

(3) Noncollege groups that seek to engage in conduct in a public use area are encouraged to provide notice to the approving authority no later than twenty-four hours in advance of the event.

(4) Notification of a planned event should include:

(a) The name, address and telephone number of the contact person for the individual, group, entity or organization sponsoring the event;

(b) The date, time and requested location of the event;

(c) The nature and purpose of the event; and

(d) The estimated number of people expected to attend the event.

(5) Unscheduled events are permitted. Scheduled events shall have priority of use over unscheduled events.

(6) Sound amplification devices, musical instruments, and other noise generating devices must be used at a volume that does not disrupt or disturb the normal use of classrooms, offices, or laboratories, or any previously scheduled college event or activity.

(7) Public areas used for expressive activities shall be cleaned up by the sponsoring group and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring group for the costs of extraordinary cleanup or for the repair of damaged property.

(8) All applicable health and safety regulations shall be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activities conducted pursuant to this chapter.

(9) The event must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, employees, or the general public.

(10) The event must not materially interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees, or the general public.

(11) There shall be no overnight camping on college facilities or grounds, unless specifically permitted by the college and within the specifications and limits prescribed by the college. Camping is defined to include sleeping, carrying on cooking activities, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(12) The event must be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

(13) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of or at the request of a college department or office or officially chartered student club or organization which are not in conflict with chapter 42.52 RCW.

#### NEW SECTION

**WAC 495C-141-050 Expressive activities—Distribution of written materials and chalking.** (1) Written materials that are not obscene or libelous and do not incite imminent unlawful conduct may be distributed on campus subject to the following restrictions:

(a) Noncollege groups may distribute written materials on public use area subject to the reasonable time, place, and manner restrictions set forth in WAC 495C-141-070.

(b) College groups may distribute materials on the public use area and may post materials on kiosks and other display areas designated for that purpose.

(c) The sponsoring organization is encouraged, but not required, to include its name and address on the distributed materials.

(2) Only college recognized student groups may perform chalking. Such chalking shall be restricted to the college walkways and pathways used for pedestrian traffic.

(3) Bulletin boards, display cases, and brochure racks are not public forums and are reserved exclusively for use by college departments and offices in furthering the teaching and learning interests of the college.

(4) Trees, bushes, garden areas, outdoor learning labs, windows, doors, parking lots, median strips, buildings and similar spaces and edifices are not public forums. Therefore signs, posters, banners, placards, notices, announcements, and similar materials may not be posted on them except by a college office or department and then only for official college business.

#### NEW SECTION

**WAC 495C-141-060 Primary uses of college facilities.** When allocating use of college facilities, priority shall be given to activities related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own instructional, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(1) The regularly established instructional, research, or public service activities of the college and its departments;

(2) Cultural, educational, or recreational activities of the students, faculty, or staff;

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments;

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation; or

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agen-

cies or civic or community organizations whose activities are of widespread public service and do not violate requirements of chapter 42.52 RCW.

#### NEW SECTION

**WAC 495C-141-070 Use of facilities by recognized student organizations.** College facilities shall be assigned to recognized student organizations for regular business meetings, social functions and for programs open to the public, subject to prior approval by the approving authority. Any recognized campus student organization may invite speakers from outside the college community. The appearance of such speakers on the campus does not represent an endorsement by the college, its students, staff, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

#### NEW SECTION

**WAC 495C-141-080 Facility use policy.** Clover Park Technical College buildings, rooms, and athletic fields may be used by noncollege groups in accordance with the college's facilities use policy. When renting or using college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect Clover Park Technical College against cost or other liability in accordance with the college's facility use policy. When Clover Park Technical College grants permission to use its facilities it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

#### NEW SECTION

**WAC 495C-141-090 Facility use fees.** The basis for establishing and charging facility use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college.

(1) College groups shall be charged at the lowest charge on the rental fee schedule which may include complimentary use.

(2) Noncollege groups shall be charged at a facility use fee not less than the full and fair market commercial rental value of premises used.

(3) The current facility use fee schedule is available from the approving authority.

#### NEW SECTION

**WAC 495C-141-100 Rental application.** (1) Usually, at least seven working days before the date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application, which may be obtained through the college's event services office.

(2) The college reserves the right to make pricing changes without prior written notice.

(3) Use of a facility is limited to the facilities specified on the agreement.

(4) College events and activities take priority in the use of college facilities.

(5) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules and policies of the college.

#### NEW SECTION

**WAC 495C-141-110 Supervision.** (1) An adult twenty-one years of age or older must sign a facility use agreement in order to use college facilities pursuant to these rules. Signatories of the facility use agreement as well as adult-age organization leaders are responsible for group conduct and are expected to remain with their group during activities.

(2) If because of the nature of the event or of the facilities rented, the college determines it is necessary that it provide supervision or security, a college staff member and/or college security member will represent the college at the event. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property. College personnel will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any organization with the exception of keys to designated off-campus locations.

#### NEW SECTION

**WAC 495C-141-120 Weapons.** Weapons: Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(1) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(2) Persons with legally issued concealed weapons permits may store their weapons in vehicles parked in accordance with RCW 9.41.050 on campus provided the vehicle is locked and the weapon is concealed from view;

(3) The approving authority may grant permission to bring a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein; or

(4) Defensive weapons used by college security officers.

#### NEW SECTION

**WAC 495C-141-130 Prohibited conduct.** (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use or possession of marijuana, including medically prescribed marijuana, is a violation of federal law and is therefore prohibited.

(3) Clover Park Technical College facilities are smoke free. The use of tobacco, electronic cigarettes, and related products is prohibited on college premises or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" includes, but is not limited to cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, and snuff. The use of tobacco and electronic smoking devices is approved at designated outdoor sites.

(4) Destruction of college property is prohibited.

#### NEW SECTION

**WAC 495C-141-140 Prohibition of animals.** Animals are not permitted in college owned or controlled facilities except service animals, animals performing a support function to law enforcement agencies, or animals approved by the president or designee. Animals that fail to meet the following conditions may be permanently or temporarily banned from campus:

(1) Animals shall be leashed or under the direct physical control of their handlers.

(2) Animal handlers are responsible to clean up after their animal.

(3) Animals that exhibit inappropriate social behavior such as:

(a) The animal is sick, unclean or malodorous; or

(b) The animal's behavior is disruptive, e.g., barking, growling, running loose, displaying aggressive behavior; or

(c) The animal does not meet all applicable city or county ordinances or requirements.

(4) If such circumstances or behaviors persist, college officials may direct the handler not to bring the animal onto campus. The handler may remain on campus and participate in activities, but the animal will not be allowed to return unless or until the issues have been resolved.

#### NEW SECTION

**WAC 495C-141-150 Violation of rules.** (1) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with the lawful directions of the designated administrative officer or individual in charge of the meeting.

(2) The administrator in charge shall make the decision to close down an event or activity that she or he deems to be in violation of these rules.

(3) Noncollege groups who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the administrator in charge to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under the trespass provisions of chapter 9A.52 RCW or municipal ordinance. If an event is canceled due to such violations, the organization is responsible for all college costs and expenses in preparing the facility for its use,

as well as subsequent costs and expenses for cleanup and repair of college facilities.

(4) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with established college policies.

(5) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college has jurisdiction to act under the student conduct code, chapter 495C-121 WAC.

(6) Persons who violate college policies may be asked to leave the property by the approving authority. Remaining on or reentering the property after such event shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

(7) The college may restrict an individual's or a group's use of college facilities, if that person or group has, in the past, violated provisions of this chapter, including owing a debt to the college for failure to pay for previous damages or leases. Such restriction shall be part of any no trespass or disciplinary proceeding as a result of such violation.

(8) The college reserves the right to request the assistance of appropriate law enforcement agencies in situations involving criminal actions in violation of this chapter.

(9) The college reserves the right to seek civil remedy for violations of this chapter.

AMENDATORY SECTION (Amending WSR 00-12-019, filed 5/26/00, effective 6/26/00)

**WAC 495C-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ~~((The request shall be presented))~~ on the district's request form found on the public records page of the college's web site or by letter, fax, or email addressed to the public records officer or ((if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours)) designee. The request shall include the following information:

(a) The name of the ~~((person requesting the record))~~ requestor;

(b) The address of the requestor and/or other contact information such as telephone number and email address;

(c) The time of day and calendar date on which the request was made;

~~((e) The nature of the request;))~~

(d) An appropriate description of the record(s) requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or ~~((person to whom the request is made))~~ designee, to ~~((assist the member of the public in succinctly identifying~~

~~the public record requested))~~ provide the fullest assistance to the requestor and to provide the most timely possible action.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-090 Copying.** (1) No fee shall be charged for the inspection of public records. ~~((The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.))~~

(2) The following copy fees and payment procedures apply to requests to the district under chapter 42.56 RCW and received on or after July 31, 2017.

(3) Pursuant to RCW 42.56.120 (2)(b), the district is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The district does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b), (c), (3) and (4).

(4) The district will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The district will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the district may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The district may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the district are summarized in the fee schedule available on the district's web site.

(5) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(6) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying

fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(7) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The district will notify the requestor of when payment is due.

(8) Payment should be made by check or money order to Clover Park Technical College.

(9) The district will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

AMENDATORY SECTION (Amending WSR 00-12-019, filed 5/26/00, effective 6/26/00)

**WAC 495C-276-100 Determination regarding exempt records.** (1) ~~The ((district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495C-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.~~

~~(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest. Provided, however, In each case, the justification for the deletion shall be explained fully in writing.)~~ Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) The district is prohibited by statute from disclosing lists of individuals for commercial purposes.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within five business days as to whether his or her request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 495C-140-010 Use of college facilities.
- WAC 495C-140-020 Limitation of use to college activities.
- WAC 495C-140-030 Statement of intentions.
- WAC 495C-140-040 General policies limiting use.
- WAC 495C-140-050 Administrative control.
- WAC 495C-140-060 Trespass.

WAC 495C-140-070 Prohibited conduct at college facilities.

WAC 495C-140-080 Control of pets in college facilities.

WAC 495C-140-090 Basis of fee assessment.

WAC 495C-140-100 Application procedures.

WAC 495C-140-110 Supervision during activity.

#### **WSR 19-11-081**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed May 17, 2019, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-04-068.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-823-0770 What evidence do I need of developmental delays?, 388-823-1010 When will DDA review my eligibility to determine if I continue to meet the eligibility requirements for DDA?, and 388-823-1015 What is the definition of "DDA paid services" in WAC 388-823-1010(2)?

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than June 26, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m., June 25, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov), by June 11, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to these rules increase the amount of time an assessment may be used as evidence of developmental delays, clarify for internal DDA eligibility workers when an eligibility review is required for clients who are nineteen years old, and clarify the definition of a "DDA-paid service."

Reasons Supporting Proposal: Increasing the amount of time an assessment may be used as evidence will simplify the eligibility determination process for many clients who may no longer be required to obtain a new assessment before receiving an eligibility determination. Amendments to WAC 388-823-1010 were requested by eligibility workers; the change is a clarification and is not a substantive change. Replacing terminology in WAC 388-823-1015 aligns with

how the term has been updated in other parts of Title 388 WAC.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Statute Being Implemented: RCW 71A.12.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Will Nichol, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1510.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(vii), the department is exempt from preparing a cost-benefit analysis if the rules relate to client medical or financial eligibility.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

May 14, 2019  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

**WAC 388-823-0770 What evidence do I need of developmental delays?** (1) Evidence of substantial functional limitations requires developmental delays of at least 1.5 standard deviations or twenty-five percent or more of the chronological age in one or more of the following developmental areas based on an assessment current within the past ~~((12))~~ eighteen months:

- (a) Physical skills (fine or gross motor);
- (b) Self help/adaptive skills;
- (c) Expressive or receptive communication, including American sign language;
- (d) Social/emotional skills; and
- (e) Cognitive, academic, or problem solving skills.

(2) The number of areas in which you are required to have delays to meet the evidence is specific to your age.

(3) Tools used to determine developmental delays must be diagnostic assessments that are designed to measure the developmental areas in subsection (1) of this section and are appropriate to the age of the child being tested.

(4) The assessment must be administered by one of the following professionals qualified to administer the assessment of developmental areas:

- (a) Licensed physician;
- (b) Licensed psychologist or certified school psychologist;

- (c) Speech language pathologist;
- (d) Audiologist;
- (e) Registered occupational therapist;
- (f) Licensed physical therapist;
- (g) Registered nurse;
- (h) Certified teacher;
- (i) Masters level social worker; or
- (j) Orientation and mobility specialist.

AMENDATORY SECTION (Amending WSR 18-15-046, filed 7/13/18, effective 8/13/18)

**WAC 388-823-1010 When will DDA review my eligibility to determine if I continue to meet the eligibility requirements for DDA?** (1) DDA will review your eligibility:

(a) If you are age nineteen and ~~((you have not received a))~~ your most recent eligibility determination ~~((since on or))~~ was completed before your sixteenth birthday;

(b) If you are age nineteen and were determined eligible under another neurological or other condition similar to intellectual disability and have used academic delays as evidence of your substantial functional limitations;

(c) Before authorization of any DDA-paid service if you are not currently receiving paid services and your most current eligibility determination was made before June 1, 2005;

(d) If the evidence used to make your most recent eligibility determination is insufficient, contains an error, or appears fraudulent;

(e) If new information becomes available that does not support your current eligibility determination; or

(f) If you were determined eligible due solely to your eligibility for fee-for-service (FFS) medically intensive children's program (MICP) services and you are no longer eligible for FFS MICP services.

(2) If DDA requires additional information to make a determination of eligibility during a review and you do not provide sufficient information, DDA will terminate your eligibility:

(a) On your twentieth birthday if the review is because you are age nineteen; or

(b) Ninety days after DDA requests the information if the review is because:

(i) You have requested a paid service;

(ii) The evidence used to make your most recent eligibility determination is insufficient, contains an error, or appears fraudulent;

(iii) New information is available that does not support your current eligibility determination; or

(iv) You are no longer eligible for FFS MICP services under chapter 182-551 WAC.

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

**WAC 388-823-1015 What is the definition of "DDA-paid services" in WAC ~~((388-823-1010(2)))~~ 388-823-1010?** "DDA-paid services" means a service or program administered by DDA as evidenced by:

(1) A DDA social services authorization ~~((of a paid service))~~ within the last ninety days ~~((as evidenced by a social~~

services authorization)) in ((the)) a DSHS payment system((:));

(2) A county authorization ((for day program services,));

(3) A DDA ((individual)) service plan approving a DDA service or program((:));

(4) Residence in a ((SOLA, RHC, or ICF/ID,)) residential habilitation center; or

(5) Documentation of DDA approval of your absence from DDA paid services for more than ninety days with available funding for your planned return to services.

### WSR 19-11-083

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed May 17, 2019, 9:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-08-022.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-828-9360 What are short-term employment supports?

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than June 26, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., June 25, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 11, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending this rule to allow short-term employment support to be authorized for a maximum of six months at a time rather than three months at a time.

Reasons Supporting Proposal: These amendments reduce workloads for case managers and counties subcontracted as providers of short-term employment support. Increasing the amount of time for which the support can be authorized reduces the number of requests that will need to be submitted and approved.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310,

360-407-1589; Implementation and Enforcement: Branda Matson, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1522.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05-328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

May 14, 2019

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9360 What ((are)) is short-term employment ((supports)) support?** (1) Short-term employment ((supports)) support is a service that allows ((DDD)) DDA to approve ((additional)) service hours in addition to the amount of your employment service base hours ((see)) under WAC 388-828-9335((+)) and add-on hours ((see)) under WAC 388-828-9345((+)) when:

(a) You are beginning a new job;

(b) There is a planned or unexpected change in your job or job duties;

(c) Your current employment is at risk and short-term supports are needed to assist you in maintaining your current job; or

(d) You are stuck on your pathway to employment and need individualized technical assistance.

(2) Short-term employment ((supports)) support may be authorized for a maximum of ((three)) six months at a time and may be reauthorized when:

(a) The circumstances identified in subsection (1) of this section ((WAC 388-828-9360(1))) continue((:)) as evidenced by((:)) receipt of a current employment work plan or review describing the need; and

(b) Both your employment provider and county recommend continuing the use of short-term employment ((supports)) support.

### WSR 19-11-091

#### PROPOSED RULES

#### BUILDING CODE COUNCIL

[Filed May 17, 2019, 3:00 p.m.]

Original Notice.



Preproposal statement of inquiry was filed as WSR 18-09-090.

Title of Rule and Other Identifying Information: Chapter 51-54A WAC, Adoption and amendment of the 2018 International Fire Code.

Hearing Location(s): On July 12, 2019, at 10:00, at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street [S.E.], Olympia, WA 98504.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by July 12, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebbe@des.wa.gov, by July 1, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the 2018 edition of the International Fire Code (IFC), published by the International Code Council, with state amendments to incorporate proposed changes as adopted by the Washington state building code council (SBCC). The rules will provide increased clarity and life safety measures for building construction in Washington state.

SUMMARY OF PROPOSED CHANGES:

2018 IFC  
Amendments to Chapter 51-54A WAC

WAC	Section	Changes in 2018	Discussion
51-54A-003		Replace 2015 with 2018	Edit
51-54A-007		Replace 2015 with 2018	Edit
51-54A-008		Replace 2016 with 2020 for effective date	Edit
51-54A-0105			
	105.6.30	Defining mobile food preparation vehicle permit requirements	New
51-54A-0202		Definition of mobile food preparation vehicle	New
		Definition of Institutional Group I-1	New
		Licensed care facilities	Deleted
		Residential treatment facility licensed by Washington state	Deleted
51-54A-0314		Indoor displays	New section
	314.1	General compliance to indoor displays	New
	314.2	Fixtures and displays	New
	314.3	Highly combustible goods	New
	314.4	Vehicles	New
51-54A-0315		General storage	New section
	Table 315.7.6(1)	Separation distance between pallet stack and building	New
51-54A-0319		Mobile food preparation vehicles	New section
	319.1	General	New
51-54A-0510		Emergency responder radio coverage	New section
	510.4.1.1	Minimum signal strength into building	New
	510.4.2.4	Signal booster requirements	New
	510.5.3	Acceptance test procedures	New
	510.5	Installation requirements	New
	510.5.5	Mounting of the donor antenna(s)	New
	510.6.1	Testing and proof of compliance	New
51-54A-0609			
	607	Commercial kitchen hoods	Re-number section

WAC	Section	Changes in 2018	Discussion
	607.2	Exception: 2. A Type I hood shall not be required to be installed in an R-2 occupancy, an assisted living facility licensed under chapter 388-78A WAC, or a residential treatment facility licensed under chapter 246-337 WAC with not more than sixteen residents.	New
	Table 607.2.1	Type of hood required for domestic cooking appliances in the following spaces. Add residential hood to church, dormitory, assisted living facility, nursing home and Exception: ° Hoods are not required where the HVAC design meets IMC 507.3	New
51-54A-0903		Automatic sprinkler systems	
	903.2.9	Group S-1	New
51-54A-0904			
	904.1.1	Certification of service personnel for fire-extinguishing equipment	New
	904.1.1.1	Preengineered kitchen fire extinguishing systems	New
	904.1.1.2	Engineered fire suppression systems	New
	904.1.1.3	Preengineered industrial fire extinguishing system	New
51-54A-1010			
	1010.1.9.4	Locks and latches	Renumbered, deleted and redefined
	1010.1.9.7	Controlled egress doors in Groups I-1 and I-2	Renumbered, deleted and redefined
51-54A-3304		Protection against fire	New section
	3304.5.1	Fire watch during construction	New
51-54A-3800		Marijuana processing or extraction facilities	
	3803.3.2	Egress	Deleted and redefined
51-54A-3904		Systems and equipment	New section
	3904.2	Systems and equipment	New
	3904.2.1	Listings	New
	3904.2.2	Approvals	New
	3904.2.2.1	Technical report	New
	3904.2.2.2	Report content	New
	3904.2.2.3	Site inspection	New
5154A-5003		General requirements	New section
	Table 5003.11.1	Maximum allowable quantities per indoor and outdoor control area in Group M and S Occupancies-nonflammable solids, non-flammable and combustible liquids	New

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

cal Matters: The council is seeking comments on the issues proposed in the rules shown below.

Name of Proponent: Doug Orth, chair, SBCC, governmental.

Name of Agency Personnel Responsible for Drafting: Ray Shipman, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-8047; Implementation: Richard Brown, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; and Enforcement: Local jurisdiction having authority.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Richard Brown, 1500 Jefferson Street S.E., Olympia, WA 98504, phone 360-407-9277, email Richard.brown@des.wa.gov.

The proposed rule does impose more-than-minor costs on businesses. There are costs imposed by the proposed rules but the costs do not fall disproportionately on small businesses. These rules will not affect the distribution of impacted work, whether by small businesses or not, doing the work. The rules do not affect employment, reporting or record keeping.

### Small Business Economic Impact Statement (RCW 19.85.040)

**Description:** The Washington state building code council (council) is filing a proposed rule to adopt the updated 2018 edition of IFC with state amendments: Chapter 51-54A WAC. Since 1985 the SBCC has been responsible to update to new editions of the building code per RCW 19.27.074.

The administrative compliance requirements are under the authority of the local government, RCW 19.27.050. Enforcement activities including permit issuance, plan review and approval, and inspections occur at the local level. Requirements for construction document submittal and other reporting requirements are determined by the local jurisdiction and are consistent with previously established policies.

The Washington state energy code (WSEC) is updated every three years by the council. The code development process conducted by the model code organization is open to all interest groups within the design and construction industry and from governmental organizations. See [www.iccsafe.org](http://www.iccsafe.org) for more information about the model code development process.

**Professional Services:** Washington has had a statewide building code in effect since 1974. The local enforcement authority having jurisdiction administers the codes through the building and/or fire departments. Administrative procedures for state building code compliance are established and will not be changed by the adoption of the update to the current building codes. Small businesses will employ the same types of professional services for the design and construction of buildings and systems to comply with the state building code.

The proposed rule updates the state building code and does not require additional equipment, supplies, labor or other services. Services needed to comply with the building code are existing within the construction industry as required by the local authority having jurisdiction.

**Costs of Compliance for Businesses:** The council accepts proposals to amend the IFC to meet the legislative goals. The statewide code amendment proposal process is defined in chapter 51-04 WAC and the council bylaws. Each proponent must identify where a proposed amendment has an economic impact and must quantify costs. The council developed a specific set of forms so amendment proponents could identify where a proposed amendment was editorial, technical or a policy change.

The council received thirty-one proposals to improve the Fire Code. The Fire Code technical advisory group (TAG)

recommended approval of twenty-five amendments as submitted or as modified. Eight proposed amendments were identified by TAG as having a significant cost.

The Fire Code TAG determined there is a cost for compliance on businesses for the following proposed state amendments. The council recommended filing the proposed rule to allow input through the public hearing process.

1. IFC 314 Indoor display amendment clarification (Proposal F03-2018): Allows individual Fire Code officials to make a determination on whether batteries should be disconnected when a vehicle is located indoors. There is an estimated annual savings per dealership of \$12,740 in total cost for the year for a dealership selling 3.5 cars a week. There is no additional code enforcement time for additional plan review.

2. IFC 510.4 Requirements to test and list equipment installed to enhance emergency responder radio coverage in a building (Proposal F05-2018): Adds a requirement to test and list equipment installed to enhance emergency responder radio coverage in buildings to ensure fire and shock safety and compliance with the performance requirements specified in IFC Section 510 and NFPA 1221. The requirement to test and list equipment will add to the cost for required equipment installed in new or existing buildings. The cost to test and certify safe equipment should not add more than 1/2 percent to the total cost of this equipment. This information is from the ICC Fire Code Action Committee and was presented during the most recent ICC Fire Code Committee hearing for the 2021 IFC as code change F48-18 that was approved as submitted by the committee.

3. IFC 510.4.2.5 Add "Oscillation of active RF-emitting devices(s)" to section 510.4.2.5 (Proposal F08-2018): This may increase the cost of construction if the building owner chooses equipment that does not already provide sufficient dry contacts for system monitoring. Many system components produced by industry have the ability to monitor the functions required by the code.

4. IFC 701.6 Strike inventory and annual inspection records from Owners Responsibility (Proposal F14-2018): The economic impact of the base language is significant for two reasons. First, the significant initial cost to identify and document all of the fire walls requires a code study and records review by a qualified professional. After that, there is a reoccurring annual cost of inspection regardless of the age, condition, or alteration to a building. This code change proposal is intended to reduce the impact but retain the intent of clarifying the owner's responsibilities without stipulating specific means and methods.

5. IFC 1010.1.9.3 Locks latches and emergency light for Group I-1 Facilities (Proposal F21-2018): Permits use in licensed residential treatment facilities. Added cost would include the provision of one emergency lightning device at each controlled door.

6. IFC Ch 80 Test and list equipment installed to enhance emergency responder radio coverage in buildings (Proposal F26-2018): Adds a requirement to test and list equipment installed to enhance emergency responder radio coverage in buildings to ensure fire and shock safety and compliance with the performance requirements specified in IFC Section 510 and NFPA 1221. The cost to test and certify safe equipment

should not add more than 1/2 percent to the total cost of this equipment. This information is from the ICC Fire Code Action Committee and was presented during the most recent ICC Fire Code Committee hearing for the 2021 IFC as code change proposal F48-18 that was approved as submitted by the committee.

7. IFC 319.1 Mobile food preparations vehicles, definitions, general (Proposal F27-2018): Expand[s] and clarifies the scope of new Fire Code section 319. Enforcement costs are estimated to be between \$100 and \$300 per permit. Operation and maintenance costs are estimated at between \$100 and \$300/year.

8. IBC 3304.5.1/IFC 3314.1 Fire watch during nonworking hours for new construction (exceeding forty feet) (Proposal BF05-2018): Clarifies when a construction fire watch is required. A fire watch is currently at the discretion of the Fire Code official. There is no statewide data on how often this is invoked annually. Assume this is invoked one hundred time[s] a year statewide and of those one hundred, ten would be exempted with this amendment. Assume a fire watch costs between \$50,00 and \$150,00 when required or an average of \$100,000. Based on these assumptions, this proposal would save \$1,000,000 annually. (10 incidents x \$100,000 = \$1,000,000.)

**Loss of Sales or Revenue:** The proposed rules make the state code for building construction consistent with national standards. Businesses with new products or updated test or

design standards are recognized in the updated building code. For these businesses there will be a gain in sales and revenue.

The results of reduced energy use in buildings include avoiding the need for new power generation, reducing environmental impact, and providing local employment. The legislative findings state that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy.

**Cost of Compliance for Small Businesses:** The majority of businesses affected by the updates to the building codes are small businesses; over ninety-five percent of those listed in the construction and related industries have under fifty employees. The costs per employee are comparable between the largest businesses and the majority of small businesses. The cost to comply with the updated codes is not a disproportionate impact on small business[es]. Where the council found the cost of compliance for small businesses to be disproportionate, the proposed rule mitigates the cost. The proposed rules include a definition of small business and provide exceptions for compliance with the updated rule.

**Small Businesses Involved in the Development of the Rule:** SBCC conducted open public meetings of the Energy Code TAG, available via telephone conference bridge and over the internet, and allowed comment on every item on every agenda. SBCC appointed over one hundred representatives of all segments of the business and construction community to serve on the TAGs.

**List of Industries:** Below is a list of industries required to comply with the Fire Code:

North American Industry Classification System (NAICS) Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of AVG Annual Payroll	0.3% of AVG Annual Revenue
236115	New single-family housing construction (except for-sale builders)	1261	\$186,272,000	—	\$147,718	—	\$1,477	—
236116	New multifamily housing construction (except for-sale builders)	45	\$54,622,000	—	\$1,213,822	—	\$12,138	—
236118	Residential remodelers	2777	\$318,180,000	\$1,536,217,000	\$114,577	\$553,193	\$1,146	\$1,660
236210	Industrial building construction	53 (s)	\$99,790,000	—	—	—	—	—
236220	Commercial and institutional building construction	862	\$772,473,000	\$6,925,925,000	\$896,140	\$8,034,716	\$8,961	\$24,104
238110	Poured concrete foundation and structure contractors	511	\$144,643,000	\$479,256,000	\$283,059	\$937,879	\$2,831	\$2,814
238120	Structural steel and precast concrete contractors	68	\$93,454,000	\$336,100,000	\$1,374,324	\$4,942,647	\$13,743	\$14,828
238130	Framing contractors	417	\$79,196,000	\$279,226,000	\$189,918	\$669,607	\$1,899	\$2,009
238140	Masonry contractors	293	\$74,067,000	\$215,274,000	\$252,788	\$734,724	\$2,528	\$2,204
238150	Glass and glazing contractors	141	\$67,626,000	\$237,985,000	\$479,617	\$1,687,837	\$4,796	\$5,064
238160	Roofing contractors	537	\$179,942,000	\$660,911,000	\$335,088	\$1,230,747	\$3,351	\$3,692

North American Industry Classification System (NAICS) Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of AVG Annual Payroll	0.3% of AVG Annual Revenue
238170	Siding contractors	327	\$58,557,000	\$286,471,000	\$179,073	\$876,058	\$1,791	\$2,628
238190	Other foundation, structure, and building exterior contractors	113	\$37,585,000	\$123,771,000	\$332,611	\$1,095,319	\$3,326	\$3,286
238210	Electrical contractors and other wiring installation contractors	1847	\$940,854,000	\$3,026,762,000	\$509,396	\$1,638,745	\$5,094	\$4,916
238220	Plumbing, heating, and air-conditioning contractors	1664	\$959,976,000	\$3,169,548,000	\$576,909	\$1,904,776	\$5,769	\$5,714
238290	Other building equipment contractors	81	\$117,696,000	—	\$1,453,037	—	\$14,530	—
238310	Drywall and insulation contractors	653	\$282,929,000	\$723,945,000	\$433,276	\$1,108,644	\$4,333	\$3,325
238990	All other specialty trade contractors	547	\$182,710,000	\$573,308,000	\$334,022	\$1,048,095	\$3,340	\$3,144
321213	Engineered wood member (except truss) manufacturing	11	\$14,216,000	\$79,051,000	\$1,292,364	\$7,186,455	\$12,924	\$21,559
321214	Truss manufacturing	22	—	—	—	—	—	—
321219	Reconstituted wood product manufacturing	3	—	—	—	—	—	—
321911	Wood window and door manufacturing	39	\$37,814,000	\$145,137,000	\$969,590	\$3,721,462	\$9,696	\$11,164
321992	Prefabricated wood building manufacturing	18	\$6,891,000	—	\$382,833	—	\$382,833	—
327310	Cement manufacturing	7	—	—	—	—	—	—
327320	Ready-mix concrete manufacturing	93	\$74,457,000	—	\$800,613	—	\$8,006	—
327331	Concrete block and brick manufacturing	18	\$11,218,000	—	\$623,222	—	\$6,232	—
332311	Prefabricated metal building and component manufacturing	9	\$3,564,000	—	\$396,000	—	\$3,960	—
332312	Fabricated structural metal manufacturing	94	\$125,755,000	—	\$1,337,819	—	\$13,378	—
332321	Metal window and door manufacturing	16	\$23,776,000	—	\$1,486,000	—	\$14,860	—
332322	Sheet metal work manufacturing	122	\$122,956,000	\$573,443,000	\$1,007,836	\$4,700,352	\$10,078	\$14,101
335121	Residential electric lighting fixture manufacturing	9	—	—	—	—	—	—
335122	Commercial, industrial, and institutional electric lighting fixture manufacturing	8	\$2,625,000	—	\$328,125	—	\$3,281	—
335129	Other lighting equipment manufacturing	4	—	—	—	—	—	—

North American Industry Classification System (NAICS) Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of AVG Annual Payroll	0.3% of AVG Annual Revenue
423720	Plumbing and heating equipment and supplies (hydronics) merchant wholesalers	168	\$82,225,000	\$897,748,000	\$489,435	\$5,343,738	\$4,894	\$16,031
541310	Architectural services	635	\$326,798,000	\$921,033,000	\$514,643	\$1,450,446	\$5,146	\$4,351
541330	Engineering services	1599	\$1,758,825,000	\$3,946,553,000	\$1,099,953	\$2,468,138	\$11,000	\$7,404
541350	Building inspection services	154	\$9,724,000	\$28,297,000	\$63,143	\$183,747	\$631	\$551
561621	Security systems services (except locksmiths)	109	\$86,072,000	\$233,388,000	\$789,651	\$2,141,174	\$7,897	\$6,424

Note: Data is blank in some fields to protect data source.  
 Data Source: Economic Census of the United States

**Estimate of the Number of Jobs That Will Be Created or Lost:** The adoption of the latest code edition is not expected to significantly impact the number of jobs in the construction industry. These rules are likely to be job neutral overall. They will not result in any job gains or losses. The scheduled effective date of the new edition is July 1, 2020. Building permits issued prior to that date will be vested under the 2015 Building Code. Permits issued for projects under the 2018 code edition will start with the 2021 construction season.

A copy of the statement may be obtained by contacting Richard Brown, 1500 Jefferson Street S.E., Olympia, WA 98504, phone 360-407-9277, email Richard.brown@des.wa.gov.

May 8, 2019  
 Doug Orth  
 Council Chair

AMENDATORY SECTION (Amending WSR 16-05-065, filed 2/12/16, effective 7/1/16)

**WAC 51-54A-003 International Fire Code.** The ((2015)) 2018 edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions.

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-007 Exceptions.** The exceptions and amendments to the International Fire Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction. The ((2015)) 2018 International Wildland Urban Interface Code

is included in this code as Section 8200 with amendments found in Appendix Chapter N.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (2SSB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 70.77 RCW and by chapter 212-17 WAC and local ordinances consistent with chapter 212-17 WAC.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-008 Implementation.** The *International Fire Code* adopted by chapter 51-54A WAC shall become effective in all counties and cities of this state on July 1, ((2016)) 2020.

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-0105 Permits.**

**SECTION 105 SCOPE AND GENERAL REQUIREMENTS**

**105.6.4 Carbon dioxide systems.** An operational permit is required for carbon dioxide systems having more than 100 pounds of carbon dioxide.

**105.6.4.9 Marijuana extraction systems.** An operational permit is required to use a marijuana/cannabis extraction system regulated under WAC 314-55-104.

**105.6.30 Mobile food preparation vehicles.** A permit is required for mobile preparation vehicles equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems.

**105.7.19 Marijuana extraction systems.** A construction permit is required to install a marijuana/cannabis extraction system regulated under WAC 314-55-104.

**105.7.20 Underground supply piping for automatic sprinkler system.** A construction permit is required for the installation of the portion of the underground water supply piping, public or private, supplying a water-based fire protection system. The permit shall apply to all underground piping and appurtenances downstream of the first control valve on the lateral piping or service line from the distribution main to one foot above finished floor of the facility with the fire protection system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

EXCEPTIONS: 1. When the underground piping is installed by the aboveground piping contractor.  
2. Underground piping serves a fire protection system installed in accordance with NFPA 13D.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0202 General definitions.**

**SECTION 202 GENERAL DEFINITIONS**

**ADULT FAMILY HOME.** A dwelling, licensed by Washington state, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**ALERT SIGNAL.** A distinctive signal indicating the need for trained personnel and occupants to initiate a specific action, such as shelter-in-place.

**ALERT SYSTEM.** Approved devices, equipment and systems or combinations of systems used to transmit or broadcast an alert signal.

**ASSISTED LIVING FACILITY.** A home or other institution, licensed by the state of Washington, providing housing, basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC. These facilities may provide care to residents

with symptoms consistent with dementia requiring additional security measures.

**CHILD CARE.** For the purposes of these regulations, child care is the care of children during any period of a 24-hour day.

**CHILD CARE, FAMILY HOME.** A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**CLUSTER.** Clusters are multiple *portable school classrooms* separated by less than the requirements of the building code for separate buildings.

**COVERED BOAT MOORAGE.** A pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

**ELECTRICAL CODE.** The National Electrical Code, promulgated by the National Fire Protection Association, as adopted by rule or local ordinance under the authority of chapter 19.28 RCW.

**EXISTING.** Buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this code.

**GRAVITY-OPERATED DROP OUT VENTS.** Automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent openings when exposed to fire.

**HOSPICE CARE CENTER.** A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

**MOBILE FOOD PREPERATION VEHICLE.** Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

**MOTOR VEHICLE.** Includes, but not limited to, a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for use upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles.

**NIGHTCLUB.** An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

**OCCUPANCY CLASSIFICATION.** For the purposes of this code, certain occupancies are defined as follows:

**Institutional Group I-1.** Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following: Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC shall be classified as Group I-1, Condition 2.

**Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

- Foster care facilities
- Detoxification facilities
- Hospice care centers
- Hospitals
- Nursing homes
- Psychiatric hospitals

**Five or fewer persons receiving care.** A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

~~((Licensed care facility. A facility such as the above providing licensed care to clients in one of the categories listed in Section 310.1 of the *International Building Code* licensed by Washington state shall be classified as Group R-2.))~~

**Family home child care.** Family home child care licensed by Washington state for the care of twelve or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

**Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group R-3.

**Child care facility.** Child care facilities that provide supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

2. Family child care homes licensed by Washington state for the care of 12 or fewer children shall be classified as Group R-3.

**Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*. This group shall include:

**R-1** Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 occupants
- Congregate living facilities (transient) with more than 10 occupants

- Hotels (transient)

- Motels (transient)

**R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses

- Boarding houses (nontransient) with more than 16 occupants

- Congregate living facilities (nontransient) with more than 16 occupants

- Convents

- Dormitories

- Fraternities and sororities

- Hotels (nontransient)

- Live/work units

- Monasteries

- Motels (nontransient)

~~((Residential treatment facilities as licensed by Washington state under chapter 246-337 WAC))~~

- Vacation timeshare properties

**R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, or I, including:

- Buildings that do not contain more than two dwelling units.

- Boarding houses (nontransient) with 16 or fewer occupants.

- Boarding houses (transient) with 10 or fewer occupants.

- Care facilities that provide accommodations for five or fewer persons receiving care.

- Congregate living facilities (nontransient) with 16 or fewer occupants.

- Congregate living facilities (transient) with 10 or fewer occupants.

**Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

**Adult family homes, family home child care.** Adult family homes and family home child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

**Foster family care homes.** Foster family care homes licensed by Washington state are permitted to comply with



the *International Residential Code*, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

**R-4** Classification is not adopted. Any reference in this code to R-4 does not apply.

**PORTABLE SCHOOL CLASSROOM.** A prefabricated structure consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be capable of being demounted and relocated to other locations as needs arise.

**RECALL SIGNAL.** An electrically or mechanically operated signal used to recall occupants after an emergency drill or to terminate a shelter-in-place event that shall be distinct from any alarm or alert signal used to initiate an emergency plan, or other signals.

**SHELTER-IN-PLACE.** An emergency response used to minimize exposure of facility occupants to chemical or environmental hazards by taking refuge in predetermined interior rooms or areas where actions are taken to isolate the interior environment from the exterior hazard.

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

NEW SECTION

**WAC 51-54A-0314 Indoor displays.**

**314.1 General.** Indoor displays constructed within any occupancy shall comply with Sections 314.2 through 314.4.

**314.2 Fixtures and displays.** Fixtures and displays of goods for sale to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.

**314.3 Highly combustible goods.** The display of highly combustible goods including, but not limited to, fireworks, flammable or combustible liquids, liquefied flammable gases, oxidizing materials, pyroxylin plastics and agricultural goods, in main exit access aisles, corridors, covered and open malls, or within 5 feet (1524 mm) of entrances to exits and exterior exit doors is prohibited where a fire involving such goods would rapidly prevent or obstruct egress.

**314.4 Vehicles.** Liquid- or gas-fueled vehicles, boats, aircraft or other motorcraft shall not be located indoors except as follows:

1. The engine starting system is made inoperable, batteries are disconnected except where the fire code official requires that the batteries remain connected to maintain safety features.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.

Vehicles, aircraft, boats or other motorcraft equipment are not fueled or defueled within the building.

NEW SECTION

**WAC 51-54A-0315 General storage.**

**Table 315.7.6(1)**

**Separation Distance Between Pallet Stack and Building**

Wall Construction	Opening Type	Wood Pallet Separation Distance (feet)		
		≤ 50 Pallets	51 to 200 Pallets	> 200 Pallets
Masonry	None	2	2	2
Masonry	Fire-rated glazing with open sprinklers	2	5	20
Masonry	Fire-rated glazing	5	10	20
Masonry	Plain glass with open sprinklers	5	10	20
Noncombustible	None	5	10	20
Wood with open sprinklers	_____	5	10	20
Wood	None	15	30	90
Any	Plain glass	15	30	90

For SI: 1 foot = 304.8 mm

NEW SECTION

**WAC 51-54A-0319 Mobile food preparation vehicles.**

**319.1 General.** Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems shall comply with this system.

NEW SECTION

**WAC 51-54A-0510 Emergency responder radio coverage.**

**510.4.1.1 Minimum signal strength into building.** The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the *fire code official*. The inbound signal level shall be a minimum of -95 dBm throughout the coverage area and sufficient to provide not less than a delivered audio quality (DAQ) of 3.0 or an equivalent signal-to-interference-plus-noise ratio (SINR) applicable to the technology for either analog or digital signals.

**510.4.2.4 Signal booster requirements.** If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be a National Electrical Manufacturer's Association (NEMA) 4, IP656-type waterproof cabinet or equivalent.
2. Battery systems used for the emergency power source shall be contained in a NEMA 3R or higher-rated cabinet, IP656-type waterproof cabinet or equivalent.

3. Equipment shall have FCC or other radio licensing authority certification and be suitable for public safety use prior to installation.

4. Where a donor antenna exists, isolation shall be maintained between the donor antenna and all inside antennas to not less than 20 dB greater than the system gain under all operating conditions.

5. Bi-directional amplifiers (BDAs) active RF emitting devices used in emergency responder radio coverage systems shall have oscillation prevention built-in oscillation detection and control circuitry.

6. The installation of amplification systems or systems that operate on or provide the means to cause interference on any emergency responder radio coverage networks shall be coordinated and approved by the fire code official.

**510.5.3 Acceptance test procedure.** Where an emergency responder radio coverage system is required, and upon completion of installation, the building *owner* shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas.

2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the agency's radio communications system or equipment approved by the fire code official.

3. Failure of more than one test area shall result in failure of the test.

4. In the event that two of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than two nonadjacent test areas shall not result in failure of the test. If the system fails the 40 area test, the system shall be altered to meet the 95 percent coverage requirement.

5. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered to be a failure of that test area. Additional test locations shall not be permitted.

6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building *owner* so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building *owner* shall be required to rerun the acceptance test to reestablish the gain values.

7. As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and at subsequent annual inspections.

8. Systems incorporating Class B signal-booster devices or Class B broadband fiber remote devices shall be tested using two portable radios simultaneously conducting subjective voice quality checks. One portable radio shall be positioned not greater than 10 feet (3048 mm) from the indoor antenna. The second portable radio shall be positioned at a

distance that represents the farthest distance from any indoor antenna. With both portable radios simultaneously keyed up on different frequencies within the same band, subjective audio testing shall be conducted and comply with DAQ levels as specified in Sections 510.4.1.1 and 510.4.1.2.

**510.5 Installation requirements.** The installation of the public safety radio coverage system shall be in accordance with NFPA 1221 and Sections 510.5.1 through 510.5.5.

**510.5.5 Mounting of the donor antenna(s).** To maintain proper alignment with the system designed donor site, donor antennas shall be permanently affixed on the highest possible position on the building or where approved by the fire code official. A clearly visible sign stating "movement or repositioning of this antenna is prohibited without approval from the fire code official." The antenna installation shall be in accordance with the applicable requirements in the International Building Code for weather protection of the building envelope.

**510.6.1 Testing and proof of compliance.** The owner of the building or owner's authorized agent shall have the emergency responder radio coverage system inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3 or as required by the fire code official.

2. Signal boosters shall be tested to verify that the gain is the same as it was upon initial installation and acceptance or set to optimize the performance of the system.

3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. Other active components shall be checked to verify operation within the manufacturers specification.

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official.

**AMENDATORY SECTION** (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0609 Section 607—Commercial kitchen hoods.**

~~((M) 609.2))~~ **607.2 Where required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors.

**EXCEPTIONS:**

1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m<sup>3</sup> or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m<sup>3</sup>/s) in accordance with Section 17 of UL 710B.

2. A Type I hood shall not be required to be installed in an R-2 occupancy, an assisted living facility licensed under chapter 388-78A WAC, or a residential treatment facility licensed under chapter 246-337 WAC with not more than 16 residents.

~~((609.2.4))~~ **607.2.1 Domestic cooking appliances used for commercial purposes.** Domestic cooking appliances utilized for commercial purposes shall be provided with Type I, Type II or residential hoods as required for the type of appliances and processes in accordance with Table ~~((609.2.1 and))~~ 607.2.1 or Sections ~~(507.2.1 and 507.2.2))~~ 507.2.1 and 507.3 of the *International Mechanical Code*.

**Table ~~((609.2.4))~~ 607.2.1**

**Type of Hood Required for Domestic Cooking Appliances in the Following Spaces<sup>a,b</sup>**

Type of Space	Type of Cooking	Type of Hood
Church	1. Boiling, steaming and warming precooked food	<u>Residential hood<sup>e</sup> or Type II hood</u>
	2. Roasting, pan frying and deep frying	Type I hood
Community or party room in apartment and condominium	1. Boiling, steaming and warming precooked food	Residential hood <sup>e</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood
Day care	1. Boiling, steaming and warming precooked food	Residential hood <sup>e</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood
Dormitory, assisted living facility, nursing home	1. Boiling, steaming and warming precooked food	<u>Residential hood<sup>e</sup> or Type II hood</u>
	2. Roasting, pan frying and deep frying	Type I hood
Office lunch room	1. Boiling, steaming and warming precooked food	Residential hood <sup>e</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood

<sup>a</sup> Commercial cooking appliances shall comply with Section 507.2 of the *International Mechanical Code*.

<sup>b</sup> Requirements in this table apply to electric or gas fuel appliances only. Solid fuel appliances or charbroilers require Type I hoods.

<sup>c</sup> Residential hood shall ventilate to the outside.

<sup>d</sup> Type II hood required when more than one appliance is used.

<sup>e</sup> Hoods are not required where the HVAC design meets IMC 507.3.

~~((609.3))~~ **607.3 Operations, inspection and maintenance.** Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections ~~((609.3.1 through 609.3.4))~~ 607.3.1 through 607.3.4 and Chapter 11 of NFPA 96.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-0903 Automatic sprinkler systems.**

**903.2.1.6 Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2, and 300 for other Group A occupancies, the building shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

EXCEPTION: Open parking garages of Type I or Type II construction.

**903.2.1.8 Nightclub.** An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

**903.2.3 Group E.** An automatic sprinkler system shall be provided for fire areas containing Group E occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

EXCEPTIONS:

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

**903.2.6 Group I.** An automatic sprinkler system shall be provided throughout buildings with a Group I *fire area*.

- EXCEPTIONS:
1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.
  2. Where new construction or additions house less than sixteen persons receiving care, an automatic sprinkler system installed in accordance with Section 903.2.8.3 shall be permitted for Group I-1, Condition 2, assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC.

**903.2.6.1 Group I-4.** An automatic sprinkler system shall be provided in fire areas containing Group I-4 occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

- EXCEPTIONS:
1. An automatic sprinkler system is not required where Group I-4 day care facilities with a total occupant load of 100 or less, and located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
  2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- EXCEPTION:
- Group R-1 if all of the following conditions apply:
1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
  2. The Group R fire area is on only one story.
  3. The Group R fire area does not include a basement.
  4. The Group R fire area is no closer than 30 feet from another structure.
  5. Cooking is not allowed within the Group R fire area.
  6. The Group R fire area has an occupant load of no more than 8.
  7. A hand-held (portable) fire extinguisher is in every Group R fire area.

**903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m<sup>2</sup>).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).
6. A Group S-1 occupancy used for self-storage where the fire area exceeds 2,500 square feet (232 m<sup>2</sup>).

**903.2.11.1.3 Basements.** Where any portion of a basement is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, or where new walls, partitions or other similar obstructions are installed that increase the exit access travel distance to more than 75 feet, the basement shall be equipped throughout with an approved automatic sprinkler system.

**903.2.11.7 Relocatable buildings within buildings.** Relocatable buildings or structures located within a building with an approved fire sprinkler system shall be provided with fire sprinkler protection within the occupiable space of the building and the space underneath the relocatable building.

- EXCEPTIONS:
1. Sprinkler protection is not required underneath the building when the space is separated from the adjacent space by construction resisting the passage of smoke and heat and combustible storage will not be located there.
  2. If the building or structure does not have a roof or ceiling obstructing the overhead sprinklers.
  3. Construction trailers and temporary offices used during new building construction prior to occupancy.
  4. Movable shopping mall kiosks with a roof or canopy dimension of less than 4 feet on the smallest side.

**903.3.5.3 Underground portions of fire protection system water supply piping.** The installation or modification of an underground water main, public or private, supplying a water-based fire protection system shall be in accordance with NFPA 24 and chapter 18.160 RCW. Piping and appurtenances downstream of the first control valve on the lateral or service line from the distribution main to one-foot above finished floor shall be approved by the fire *code official*. Such underground piping shall be installed by a fire sprinkler system contractor licensed in accordance with chapter 18.160 RCW and holding either a Level U or a Level 3 license. For underground piping supplying systems installed in accordance with Section 903.3.1.2, a Level 2, 3, or U licensed contractor is acceptable.

- EXCEPTION:
- Portions of underground piping supplying automatic sprinkler systems installed in accordance with NFPA 13D.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0904 Alternative automatic fire-extinguishing systems.**

**904.1.1 Certification of service personnel for fire-extinguishing equipment.** Service personnel performing system design, installation or conducting system maintenance or testing on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess the appropriate ICC/NAFED certification.

**904.1.1.1 Preengineered kitchen fire-extinguishing systems.** A current ICC/NAFED certification for preengineered kitchen fire-extinguishing systems is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

**904.1.1.2 Engineered fire suppression systems.** A current ICC/NAFED certification for engineered fire suppression

systems is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

**904.1.1.3 Preengineered industrial fire-extinguishing system.** A current ICC/NAFED certification for preengineered industrial fire-extinguishing system is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

**904.12 Commercial cooking systems.** The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry and wet chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Signage shall be provided on the exhaust hood or system cabinet, indicating the type and arrangement of cooking appliances protected by the automatic fire-extinguishing system. Signage shall indicate appliances from left to right, be durable, and the size, color, and lettering shall be approved. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12;
2. *Automatic sprinkler systems*, NFPA 13;
3. Foam-water sprinkler systems or foam-water spray systems, NFPA 16;
4. Dry-chemical extinguishing systems, NFPA 17;
5. Wet-chemical extinguishing systems, NFPA 17A.

EXCEPTION: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and *listed, labeled* and installed in accordance with Section 304.1 of the *International Mechanical Code*.

**AMENDATORY SECTION** (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-1010 Doors, gates and turnstiles.**

**~~((1010.1.9.3))~~ 1010.1.9.4 Locks and latches.** Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M, and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
  - 2.1. The locking device is readily distinguishable as locked;
  - 2.2. A readily visible sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background; and
  - 2.3. The use of the key-operated locking device is revocable by the building official for due cause.

3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no door-knob or surface-mounted hardware.

4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt, or security chain, provided such devices are openable from the inside without the use of a key or a tool.

5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.

6. Approved, listed locks without delayed egress shall be permitted in Group I-1 condition 2 assisted living facilities licensed under chapter 388-78A WAC and Group I-1 Condition 2 residential treatment facilities licensed under chapter 246-337 WAC by the state of Washington, provided that:

- 6.1. The clinical needs of one or more patients require specialized security measures for their safety.
- 6.2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
- 6.3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.
- 6.4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.
- 6.5. There is a system, such as a keypad and code, in place that allows visitors, staff persons and appropriate residents to exit. Instructions for exiting shall be posted within six feet of the door.

**6.6. Emergency lighting shall be provided at the door.**

**~~((1010.1.9.6))~~ 1010.1.9.7 Controlled egress doors in Groups I-1 and I-2.** Electric locking systems, including ~~((electro-mechanical))~~ electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a ~~((special))~~ controlled egress ((lock)) locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.
6. There is a system, such as a keypad and code, in place that allows visitors, staff persons and appropriate residents to

exit. Instructions for exiting shall be posted within six feet of the door.

7. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.

~~((7-))~~ 8. Emergency lighting shall be provided at the door.

~~((8-))~~ 9. The door locking system units shall be listed in accordance with UL 294.

- EXCEPTIONS:
1. Items 1 through 4 and 6 shall not apply to doors to areas where persons, which because of clinical needs, require restraint or containment as part of the function of a psychiatric treatment area (~~(provided that all clinical staff shall have the keys, codes or other means necessary to operate the locking devices)~~).
  2. Items 1 through 4 and 6 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

**1010.1.10 Panic and fire exit hardware.** Doors serving a Group H occupancy and doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy shall not be provided with a latch or lock other than panic hardware or fire exit hardware.

- EXCEPTIONS:
1. A main exit of a Group A occupancy shall be permitted to be locking in accordance with Section 1010.1.9.3, Item 2.
  2. Doors serving a Group A or E occupancy shall be permitted to be electromagnetically locked in accordance with Section 1010.1.9.9.

**1010.1.10.3 Electrical rooms and working clearances.** Exit and exit access doors serving electrical rooms and working spaces shall swing in the direction of egress travel and shall be equipped with panic hardware or fire exit hardware where such rooms or working spaces contain one or more of the following:

1. Equipment operating at more than 600 volts, nominal.
2. Equipment operating at 600 volts or less, nominal and rated at 800 amperes or more, and where the equipment contains overcurrent devices, switching devices or control devices.

EXCEPTION: Panic and fire exit hardware is not required on exit and exit access doors serving electrical equipment rooms and working spaces where such doors are not less than twenty-five feet (7.6 m) from the nearest edge of the electrical equipment.

## NEW SECTION

### **WAC 51-54A-3304 Precautions against fire.**

**3304.5.1 Fire watch during construction.** Where required by the fire code official, a fire watch shall be provided during nonworking hours for new construction that exceeds 40 feet (12,192 mm) in height above the lowest adjacent grade.

- EXCEPTIONS:
1. New construction that is built under the IRC.
  2. New construction less than 5 stories and 50,000 square feet per story.

AMENDATORY SECTION (Amending WSR 17-03-104, filed 1/17/17, effective 5/1/17)

### **WAC 51-54A-3800 Marijuana processing or extraction facilities.**

#### **SECTION 3801—ADMINISTRATION**

**3801.1 Scope.** Facilities used for marijuana processing or extraction that utilize chemicals or equipment as regulated by the International Fire Code shall comply with this chapter and the International Building Code. The extraction process includes the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material and production of the miscella, distillation of the solvent from the miscella and solvent recovery. The use, storage, transfilling, and handling of hazardous materials in these facilities shall comply with this chapter and the International Building Code.

**3801.2 Application.** The requirements set forth in this chapter are requirements specific only to marijuana processing and extraction facilities and shall be applied as exceptions or additions to applicable requirements set forth elsewhere in this code.

**3801.2.1** For the purposes of this chapter, marijuana processing and extraction shall be limited to those processes and extraction methods that utilize chemicals defined as hazardous by the International Fire Code and are regulated as such. Such processes and extraction methods shall meet the requirements of this chapter and other applicable requirements elsewhere in this code and its referenced standards.

EXCEPTION: Provisions of WAC 314-55-104 do not apply to this chapter.

**3801.2.2** The use of equipment regulated by the International Fire Code for either marijuana processing or marijuana extraction shall meet the requirements of this chapter and other applicable requirements elsewhere in this code.

**3801.3 Multiple hazards.** Where a material, its use or the process it is associated with poses multiple hazards, all hazards shall be addressed in accordance with Section 5001.1 and other material specific chapters.

**3801.4 Existing building or facilities.** Existing buildings or facilities used for the processing of marijuana shall comply with this chapter.

**3801.5 Permits.** Permits shall be required as set forth in Section 105.6 and 105.7.

#### **SECTION 3802—DEFINITIONS**

**Desolventizing.** The act of removing a solvent from a material.

**Finding.** The results of an inspection, examination, analysis or review.

**Marijuana processing.** Processing that uses chemicals or equipment as regulated by the International Fire Code; this does not include the harvesting, trimming, or packaging of the plant.

**Miscella.** A mixture, in any proportion, of the extracted oil or fat and the extracting solvent.

**Observation.** A practice or condition not technically non-compliant with other regulations or requirements, but could lead to noncompliance if left unaddressed.

**Transfilling.** The process of taking a gas source, either compressed or in liquid form (usually in bulk containers), and transferring it into a different container (usually a smaller compressed cylinder).

#### SECTION 3803—PROCESSING OR EXTRACTION OF MARIJUANA

**3803.1 Location.** Marijuana processing shall be located in a building complying with the International Building Code and this code. Requirements applied to the building shall be based upon the specific needs for mitigation of the specific hazards identified.

**3803.2 Systems, equipment and processes.** Systems, equipment, and processes shall be in accordance with Sections 3803.2.1 through 3803.2.7. In addition to the requirements of this chapter, electrical equipment shall be listed or evaluated for electrical fire and shock hazard in accordance with RCW 19.28.010(1).

**3803.2.1 Application.** Systems, equipment and processes shall include, but are not limited to, vessels, chambers, containers, cylinders, tanks, piping, tubing, valves, fittings, and pumps.

**3803.2.2 General requirements.** In addition to the requirements in Section 3803, systems, equipment and processes shall also comply with Section 5003.2, other applicable provisions of this code, the International Building Code, and the International Mechanical Code. The use of ovens in post-process purification or winterization shall comply with Section 3803.2.7.

**3803.2.3 Systems and equipment.** Systems or equipment used for the extraction of oils from plant material shall be listed and approved for the specific use. If the system used for extraction of oils and products from plant material is not listed, then a technical report prepared by a Washington licensed engineer shall be provided to the code official for review and approval.

**3803.2.4 Change of extraction medium.** Where the medium of extraction or solvent is changed from the material indicated in the technical report, or as required by the manufacturer, the technical report shall be revised at the cost of the facility owner, and submitted for review and approval by the fire code official prior to the use of the equipment with the new medium or solvent.

**3803.2.5 Required technical report.** The technical report documenting the equipment design shall be submitted for review and approval by the fire code official prior to the equipment being installed at the facility.

**3803.2.5.1 Content of technical report and engineering analysis.** All, but not limited to, the items listed below shall be included in the technical report.

1. Manufacturer information.
2. Engineer of record information.
3. Date of review and report revision history.

4. Signature page shall include:

4.1 Author of the report;

4.2 Date of report;

4.3 Seal, date and signature of engineer of record performing the design; and

5. Model number of the item evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at the time of site inspection.

6. Methodology of the design review process used to determine minimum safety requirements. Methodology shall consider the basis of design, and shall include a code analysis and code path to demonstrate the reason why specific codes or standards are applicable or not.

7. Equipment description. A list of all components and subassemblies of the system or equipment, indicating the material, solvent compatibility, maximum temperature and pressure limits.

8. A general flow schematic or general process flow diagram (PFD) of the process, including maximum temperatures, pressures and solvent state of matter shall be identified in each step or component. It shall provide maximum operating temperature and pressure in the system.

9. Analysis of the vessel(s) if pressurized beyond standard atmospheric pressure. Analysis shall include purchased and fabricated components.

10. Structural analysis for the frame system supporting the equipment.

11. Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process.

12. Comprehensive process hazard analysis considering failure modes and points of failure throughout the process. This portion of the review should include review of emergency procedure information provided by the manufacturer of the equipment or process and not that of the facility, building or room.

13. Review of the assembly instructions, operational and maintenance manuals provided by the manufacturer.

14. Report shall include findings and observations of the analysis.

15. List of references used in the analysis.

**3803.2.6 Building analysis.** The technical report, provided by the engineer of record, shall include a review of the construction documents for location, room, space or building and include recommendations to the fire code official.

**3803.2.6.1 Site inspection.** The engineer of record of the equipment shall inspect the installation of the extraction equipment for conformance with the technical report and provide documentation to the fire code official that the equipment was installed in conformance with the approved design.

**3803.2.7 Post-process purification and winterization.** Post-processing and winterization involving the heating or pressurizing of the miscella shall be approved and performed in an appliance listed for such use. Domestic or commercial cooking appliances shall not be used. The use of industrial ovens shall comply with Chapter 30.

EXCEPTION: An automatic fire extinguishing system shall not be required for batch-type Class A ovens having less than 3.0 cubic feet of work space.

### 3803.3 Construction requirements.

**3803.3.1 Location.** Marijuana extraction shall not be located in any building containing a Group A, E, I or R occupancy.

**3803.3.1.1 Extraction room.** The extraction equipment and processes utilizing hydrocarbon solvents shall be located in a room or area dedicated to extraction.

**3803.3.2 Egress.** ~~((Any egress door serving an extraction room shall swing in the direction of egress travel and))~~ Doors installed on rooms or areas dedicated to extraction shall be equipped with panic hardware ((and self-closing)) or fire exit hardware.

**3803.3.2.1 Facility egress.** Egress requirements shall be in compliance with Chapter 10 of the International Building Code.

**3803.3.3 Ventilation.** Ventilation shall be provided in compliance with Chapter 4 of the International Mechanical Code.

**3803.3.4 Control area.** Control areas shall comply with Section 5003.8.3.

**3803.3.5 Ignition source control.** Extraction equipment and processes using flammable or combustible gas or liquid solvents shall be provided with ventilation rates for the room to maintain the concentration of flammable constituents in air below 25((%)) percent of the lower flammability limit of the respective solvent. If not provided with the required ventilation rate, Class I Division II electrical requirements shall apply to the entire room.

**3803.3.6 Interlocks.** When a hazardous exhaust system is provided, all electrical components within the extraction room or area shall be interlocked with the hazardous exhaust system, and when provided, the gas detection system. When the hazardous exhaust system is not operational, then light switches and electrical outlets shall be disabled. Activation of the gas detection system shall disable all light switches and electrical outlets.

### 3803.3.7 Emergency power.

**3803.3.7.1 Emergency power for extraction process.** Where power is required for the operation of the extraction process, an automatic emergency power source in accordance with Section 5004.7 and 604 shall be provided. The emergency power source shall have sufficient capacity to allow safe shutdown of the extraction process plus an additional 2 hours of capacity beyond the shutdown process.

**3803.3.7.2 Emergency power for other than extraction process.** An automatic emergency power system in accordance with Section 604 shall be provided when any of the following items are installed:

1. Extraction room lighting;
2. Extraction room ventilation system;
3. Solvent gas detection system;
4. Emergency alarm systems;
5. Automatic fire extinguishing systems.

**3803.3.8 Continuous gas detection system.** For extraction processes utilizing gaseous hydrocarbon-based solvents, a continuous gas detection system shall be provided. The gas detection threshold shall not exceed 25((%)) percent of the LEL/LFL limit of the materials.

**3803.4 Carbon dioxide enrichment or extraction.** Extraction processes using carbon dioxide shall comply with this section.

**3803.4.1 Scope.** Carbon dioxide systems with more than 100 pounds of carbon dioxide shall comply with Sections 3803.4 through 3803.4.3. This section is applicable to carbon dioxide systems utilizing compressed gas systems, liquefied-gas systems, dry ice, or on-site carbon dioxide generation.

**3803.4.2 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7.

**3803.4.3 Signage.** At the entrance to each area using or storing carbon dioxide, signage shall be posted indicating the hazard. Signs shall be durable and permanent in nature and not less than 7 inches wide by 10 inches tall. Signs shall bear the warning "DANGER! POTENTIAL OXYGEN DEFICIENT ATMOSPHERE." NFPA 704 signage shall be provided at the building main entry and the rooms where the carbon dioxide is used and stored.

**3803.5 Flammable or combustible liquid.** The use of a flammable or combustible liquid for the extraction of oils and fats from marijuana shall comply with this section.

**3803.5.1 Scope.** The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled, or evaporated shall comply with this section and NFPA 30.

**3803.5.2 Location.** The process using a flammable or combustible liquid shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Electrical equipment used within the hazardous exhaust fume hood shall be listed or approved for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

## NEW SECTION

### WAC 51-54A-3904 Systems and equipment.

**3904.2 Systems and equipment.** Systems or equipment used for the extraction of oils from plant material shall comply with either Section 3404.2.1 or 3404.2.2.

**3904.2.1 Listings.** Systems or equipment used for the extraction of oils from plant material shall be listed and labeled in accordance with UL 1389 and installed in accordance with the listing and the manufacturer's installation instructions.

**3904.2.2 Approvals.** Systems or equipment used for the extraction of oils from plant material shall be approved for the specific use. The system shall be reviewed by a registered design professional. The registered design professional shall review and consider any information provided by the system's designer or manufacturer. A technical report in accor-



dance with Section 3904.2.2.1 shall be prepared and submitted to the fire code official for review and approval. The firm or individual preparing the technical report shall be approved by the fire code official prior to performing the analysis.

**3904.2.2.1 Technical report.** A technical report, reviewed and approved by the *fire code official* as required by Section 3904.2.2, is required prior to the equipment being located or installed at the facility. The report shall be prepared by a *registered design professional* or other professional approved by the *fire code official*.

**3904.2.2.2 Report content.** The technical report shall contain all of the following:

1. Manufacturer information;
2. Preparer of record of the technical report;
3. Date of review and report revision history;
4. Signature page, including all of the following:
  - 4.1. Author of the report;
  - 4.2. Date of report;
  - 4.3. Date and signature of *registered design professional* of record performing the design or peer review.
5. Model number of the item evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at the time of site inspection;
6. Methodology of the design or peer review process used to determine minimum safety requirements. Methodology shall consider the basis of design, and shall include a code analysis and code path to demonstrate whether specific codes or standards are applicable;
7. Equipment description. A list of every component and subassembly, such as fittings, hose, quick disconnects, gauges, site glass, gaskets, valves, pumps, vessels, containers and switches, of the system or equipment, indicating the manufacturer, model number, material and solvent compatibility. Manufacturer's data sheets shall be provided;
8. A general flow schematic or general process flow diagram of the process. Postprocessing or winterization shall be included in this diagram. Primary components of the process equipment shall be identified and match the equipment list required in Item 7. Operating temperatures, pressures and solvent state of matter shall be identified in each primary step or component. A piping and instrumentation diagram (PID or P&ID) shall be provided;
9. Analysis of the vessel(s) if pressurized beyond standard atmospheric pressure. Analysis shall include purchased and fabricated components;
10. Structural analysis for the frame system supporting the equipment;
11. Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process;
12. Comprehensive process hazard analysis considering failure modes and points of failure throughout the process. The process hazard analysis shall include a review of emergency procedure information provided by the manufacturer of the equipment or process and not that of the facility, building or room;
13. Review of the assembly instructions, operational and maintenance manuals provided by the manufacturer;
14. List of references used in the analysis.

**3904.2.2.3 Site inspection.** Prior to operation of the extraction equipment, where required by the *fire code official*, the engineer of record or *approved professional*, as *approved* in Section 3904.2.2, shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The engineer of record or *approved professional* shall provide a report of findings and observations of the site inspection to the *fire code official* prior to the approval of the extraction process. The field inspection report authored by the engineer of record shall include the serial number of the equipment used in the process and shall confirm that the equipment installed is the same model and type of equipment identified in the technical report.

NEW SECTION

**WAC 51-54A-5003 General requirements.**

**Table 5003.11.1**

**Maximum Allowable Quantities Per Indoor and Outdoor Control Area in Group M and S Occupancies - Nonflammable Solids, Nonflammable and Combustible Liquids <sup>d,e,f</sup>**

Conditions		Maximum Allowable Quantities Per Control Area	
		Solids (pounds)	Liquids (gallons)
Materials	Class		
<b>A. Health-Hazard Materials Nonflammable and Non-combustible Solids and Liquids</b>			
1. Corrosive <sup>b,c</sup>	Not Applicable	9,750	975
2. Highly Toxic	Not Applicable	20 <sup>b,c</sup>	2 <sup>b,c</sup>
3. Toxics <sup>b,c</sup>	Not Applicable	1,000	100
<b>B. Physical-Hazard Materials Nonflammable and Non-combustible Solids and Liquids</b>			
1. Oxidizer <sup>b,c</sup>	4	Not Allowed	Not Allowed
	3	1,350 <sup>g</sup>	135
	2	2,250 <sup>h</sup>	225
	1	18,000 <sup>ij</sup>	1,800 <sup>ij</sup>
2. Unstable (Reactives) <sup>b,c</sup>	4	Not Allowed	Not Allowed
	3	550	55
	2	1,150	115
	1	Not Limited	Not Limited
3. Water Reactives	3 <sup>b,c</sup>	550	55
	2 <sup>b,c</sup>	1,150	115
	1	Not Limited	Not Limited

For SI: 1 pound = 0.454 kg, 1 gallon = 3.785 L, 1 cubic foot = 0.02832 m<sup>3</sup>.

- a. Hazard categories are as specified in Section 5001.2.2.
- b. Maximum allowable quantities shall be increased 100 percent in buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Where note c applies, the increase for both notes shall be applied accumulatively.
- c. Maximum allowable quantities shall be increased 100 percent where stored in approved storage cabinets in accordance with Section 5003.8. Where note b applies, the increase for both notes shall be applied accumulatively.
- d. See Table 5003.8.3.2 for design and number of control areas.
- e. Maximum allowable quantities for other hazardous material categories shall be in accordance with Section 5003.1.
- f. Maximum allowable quantities shall be increased 100 percent in outdoor control areas.
- g. Maximum allowable quantities shall be increased to 2,250 pounds where individual packages are in the original sealed containers from the manufacturer or packager and do not exceed 10 pounds each.
- h. Maximum allowable quantities shall be increased to 4,500 pounds where individual packages are in the original sealed containers from the manufacturer or packager and do not exceed 10 pounds each.
- i. Quantities are unlimited where protected by an automatic sprinkler system.
- j. Quantities are unlimited in an outdoor control area.
- k. Maximum allowable quantity of consumer products shall be increased to 10,000 pounds where individual packages are in original sealed containers from the manufacturer and the toxic classification is exclusively based on the LC<sub>50</sub>.

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

**WSR 19-11-092**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**

[Filed May 17, 2019, 3:05 p.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 19-12 issue of the Register.

**WSR 19-11-100**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed May 20, 2019, 12:30 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 19-05-066.

**Title of Rule and Other Identifying Information:** New WAC 230-16-152 Card shuffling devices connecting to a secure cellular network for billing purposes.

**Hearing Location(s):** On July 11, 2019, at 9:00 a.m., at the Hotel Murano, 1320 Broadway Plaza, Tacoma, WA 98402. Hearing will take place at the July commission meeting. The meeting date and time is tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) about seven days prior to the meeting,

select "July Commission Meeting" to confirm the hearing date, location, and start time.

**Date of Intended Adoption:** July 11, 2019.

**Submit Written Comments to:** Ashlie Laydon, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, email [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov), fax 360-486-3624, by July 1, 2019.

**Assistance for Persons with Disabilities:** Contact Julie Anderson, phone 360-486-3453, TTY 360-486-3637, email [Julie.anderson@wsgc.wa.gov](mailto:Julie.anderson@wsgc.wa.gov), by July 1, 2019.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed new rule would allow card shuffling devices to connect to a secure cellular modem for billing purposes. This would offer a new billing option for card shufflers found in licensed card rooms, where they would only be billed for the shuffler when it is in use.

**Reasons Supporting Proposal:** Currently, gambling equipment can only be connected to external tools for standard maintenance. This proposed new rule would allow specific gambling equipment, card shuffling devices, be connected through a secure cellular network for billing purposes and would offer licensed card rooms an additional billing option for the use of card shufflers.

**Statutory Authority for Adoption:** RCW 9.46.070.

**Statute Being Implemented:** RCW 9.46.070.

Rule is not necessitated by federal law, federal or state court decision.

**Name of Proponent:** Bo Zarach, Bally Technologies, Scientific Games, Las Vegas, Nevada, private.

**Name of Agency Personnel Responsible for Drafting:** Brian Considine, Managing Staff Attorney, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3469; **Implementation:** David Trujillo, Director, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3512; and **Enforcement:** Tina Griffin, Assistant Director, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3546.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis must be completed for significant legislative rules. Per RCW 34.05.328 (5)(c), this proposed new rule does not meet the definition of a "significant legislative rule" and therefore does not require a cost-benefit analysis.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed new rule offers gambling equipment manufacturers an additional option related to card shuffler billings paid by licensed card rooms. This proposed rule and the possibility of an additional billing option has been sent to card room licensees for comment and feedback received by some of the card rooms is that this change could be a cost-savings for some card rooms, which is consistent with the manufacturer's statement for why it submitted a rules petition for this change. Authorizing this change does not have a disproportionate impact on small businesses because it does not require a licensee to change current billing practices. Instead, it amends rule language to allow another billing option a manufacturer and licensed card

room can use in their commercial agreements. Therefore, this rule change should have no impact, or a net positive impact, for licensed card rooms if this is a billing option they choose to use.

May 20, 2019  
Ashlie Laydon  
Rules Coordinator

#### NEW SECTION

**WAC 230-16-152 Card shuffling devices connecting to a secure cellular network for billing purposes.** Card shuffling devices can be connected to a secure cellular network for billing purposes.

(1) For the purposes of this rule:

(a) A secure cellular network includes the card shuffling device and a cellular modem that is used to transmit information via a secure cellular network.

(b) Billing purposes means transmitting historical shuffler data that is used when billing is based on the number of successful shuffles. Shuffler data includes:

(i) Equipment statistics such as software versions, serial numbers, network information, hard count meters, and shuffler configuration information; and

(ii) Usage information such as hard count meters, successful and unsuccessful shuffles, shuffles completed by service, number of card sorts, and the number of cards in each shuffle; and

(iii) History logs such as shuffler malfunctions, card recognition errors, and maintenance logs; and

(iv) Test messages used for setup.

(2) The following requirements apply when connecting card shuffling devices to a secure cellular network for billing purposes:

(a) An identical or substantially similar card shuffling device connected to a secure cellular network must be tested and approved by us, as outlined in WAC 230-06-050, before it can be used; and

(b) The transmitted data must not include card specific information, live gaming data, or any other gambling information; and

(c) Except for a confirmation notification from the network that the shuffler data was successfully received, there may only be one-way communication from the card shuffling device to the secure cellular network; and

(d) Transmitted information may only be accessed by the licensee or licensed manufacturer; and

(e) A record must be kept of all information transmitted and made available to us upon request.

#### **WSR 19-11-105**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 21, 2019, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-013.

**Title of Rule and Other Identifying Information:** The department is proposing to create new sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, on requirements for notifying the department of information changes and creating a succession plan. The department is also proposing to amend WAC 388-76-10000 Definitions, 388-76-10003 Department access, 388-76-10020 License—Ability to provide care and services, 388-76-10035 License requirements—Multiple family home providers, 388-76-10037 License requirements—Multiple adult family homes—Additional homes, 388-76-10060 Application—Department orientation class—Required, 388-76-10063 Application—General training requirements, 388-76-10064 Adult family home administrator training requirements, 388-76-10074 Application—Waiver of fees, 388-76-10085 Application—Individual or coprovider, 388-76-10090 Application—Entity application, 388-76-10095 Application—Identification of landlord—Required, 388-76-10105 Application—Change of ownership, 388-76-10106 Change of ownership—Notice to department and residents, 388-76-10107 Priority processing—Change of ownership and relocation, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10129 Qualifications—Adult family home personnel, 388-76-10130 Qualifications—Provider, entity representative and resident manager, 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager, and 388-76-10950 Remedies—History and actions by individuals.

**Hearing Location(s):** On July 9, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

**Date of Intended Adoption:** Not earlier than July 10, 2019.

**Submit Written Comments to:** DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 9, 2019.

**Assistance for Persons with Disabilities:** Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 25, 2019.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal came from concerns raised by representatives of the adult family home industry regarding barriers to entry for certain provider and entity types. The proposed rule changes are intended to address these issues and clarify other requirements for licensure that have been ambiguous. The anticipated effect is to reduce regulatory burdens for new qualified providers, to increase access to the adult family home industry and access to beds for residents.

**Reasons Supporting Proposal:** The expected outcome is increased access to the adult family home market, an increased number of available adult family home beds both for those who are and are not clients of home and community

services, decreased application processing wait times, and improved compliance due to better clarity of the regulations. These all fit into the goals and the mission of DSHS. Together, these proposed changes will improve the quality of care for residents and ensure protection of their rights.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060.

Statute Being Implemented: None.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, 253-234-6061.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, fax 253-395-5073, email wagnee@dshs.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The department looked at costs of training, applications, and time spent on administrative training, and consulted with stakeholders. After examining all the costs, the department determined that costs are either less than minor, optional for a business, or rare, and that the changes will cause more savings than increased costs.

A copy of the detailed cost calculations may be obtained by contacting Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, fax 253-395-5073, email wagnee@dshs.wa.gov.

May 15, 2019  
Katherine I. Vasquez  
Rules Coordinator

**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 19-12 issue of the Register.

**WSR 19-11-106**  
**PROPOSED RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 21, 2019, 9:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-007.

Title of Rule and Other Identifying Information: Chapter 192-520 WAC, Collective bargaining agreements: WAC 192-520-010 Parties to collective bargaining agreements.

Chapter 192-540 WAC, Employer responsibilities: WAC 192-540-040 How should employers report hours ((worked)) for each calendar quarter?

Chapter 192-610 WAC, Initial application for benefits: WAC 192-610-065 Will the department provide guidance to an employee filing a claim for paid family and medical leave

benefits? and 192-610-066 How will the department make employees aware of their rights and responsibilities?

Chapter 192-640 WAC, Overpayment of benefit: WAC 192-640-005 Definitions, 192-640-010 How are overpayments assessed on employees?, 192-640-015 When can the department waive an overpayment?, 192-640-020 How will equity and good conscience be applied in overpayment waiver decisions?, 192-640-025 What does the department consider "at fault" for an overpayment?, and 192-640-030 Will the employee be notified of the right to appeal the overpayment?

Chapter 192-650 WAC, Collections and recovery of overpayments: WAC 192-650-005 How will the department collect overpayments owed by an employee?, 192-650-010 Can overpayments be offset against future benefit payments?, 192-650-015 Are negotiated settlements of overpayments permitted?, 192-650-020 How does an employee make a negotiated settlement offer to repay overpayments?, and 192-650-025 How are payments and offsets applied when an employee has more than one overpayment?

Chapter 192-700 WAC, Employment restoration: WAC 192-700-005 When is an employee entitled to employment restoration after leave ends?, 192-700-010 Can an employer deny employment restoration?, and 192-700-015 How is employer size determined for employment protection?

Chapter 192-800 WAC, Practice and procedure: WAC 192-800-020 How will the department differentiate between employers?

Hearing Location(s): On July 24, 2019, at 1:00 p.m., at 640 Woodland Square Loop S.E., Park Place Conference Room, Lacey, WA 98503; and on July 26, 2019, at 9:00 a.m., at 322 North Spokane Falls Court, DoubleTree Hilton, Spokane City Center, Spokane, WA 99201. Conference room will be listed in the lobby of the hotel.

Date of Intended Adoption: July 27, 2019.

Submit Written Comments to: Christina Streuli, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, email Rules@esd.wa.gov, online portal [https://www.peakdemocracy.com/portals/289/forum\\_home?phase=open](https://www.peakdemocracy.com/portals/289/forum_home?phase=open), by July 26, 2019.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, state EO officer, phone 360-902-9354, TTY 711, email TEckstein@esd.wa.gov, by July 19, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules will further define paid family and medical leave requirements for collective bargaining agreements, benefit applications, overpayments, employment restoration, reporting requirements, and employer identification.

Reasons Supporting Proposal: The rules will assist in meeting the requirements to implement payment of benefits to eligible employees by January 1, 2020, as mandated by Title 50A RCW.

Statutory Authority for Adoption: RCW 50A.04.215.

Statute Being Implemented: RCW 50A.04.025, 50A.04.065, 50A.04.080, 50A.04.235.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Employment security department, paid family and medical leave division, governmental.

Name of Agency Personnel Responsible for Drafting: Christina Streuli, Lacey, Washington, 360-791-6710; Implementation and Enforcement: Matt Buelow, Lacey, Washington, 360-742-7311.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. All proposed rules are exempt under RCW 34.05.328(5). After review of the proposed rules, the agency determined the rules do not impose more-than-minor costs on businesses. Rules proposed are either interpretive or procedural. Definitions provided in these proposed rules clarify verbiage for processes in overpayment assessment and collection. The definitions do not impact procedures. Additional rules related to overpayment assessment and collection, employment restoration, collective bargaining agreements, employer reporting, and employer identification detail processes and procedures and add clarity to previous rules. Because of the connection to previous rules, there are no additional costs to businesses. Additional proposed rules address processes and procedures and would not produce significant costs.

Please see Significance Analysis for more information.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 34.05.328 (5)(c)(i) and (ii) and 19.85.025(5).

Explanation of exemptions: RCW 34.05.328 (5)(c)(ii) creates an exemption for interpretive rules. This exemption applies to portions of the proposal. RCW 34.05.328 (5)(c)(i) creates an exemption for procedural rules. This exemption applies to portions of the proposal.

May 21, 2019

April Amundson

Policy and Rules Manager for  
Paid Family and Medical Leave

AMENDATORY SECTION (Amending WSR 18-12-032, filed 5/29/18, effective 6/29/18)

**WAC 192-520-010 Parties to collective bargaining agreements.** (1) ~~((The rights and responsibilities under Title 50A RCW do not apply to parties covered by collective bargaining agreements in effect before October 19, 2017, unless and until the agreements expire, are reopened, or are renegotiated.))~~ Parties to a collective bargaining agreement in existence on October 19, 2017, are not required to be subject to the rights and responsibilities under Title 50A RCW and related rules unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(2) Employers must inform the department immediately upon the reopening, renegotiation, or expiration of a collective bargaining agreement that was in effect prior to October 19, 2017.

~~(3) ((An employer must file quarterly reports once a collective bargaining agreement expires, is reopened, or is renegotiated.~~

~~(4))~~ To be eligible for benefits, an employee must have worked at least eight hundred twenty hours during the qualifying period. If the employee's qualifying period includes any quarter prior to a collective bargaining agreement being reopened((:)) or renegotiated((:)) by the parties or expiring, the department will request the employee's qualifying period wages and hours from the employer. The employer must provide the wages and hours to the department within ten calendar days.

~~((5))~~ (4) Employees not covered by a collective bargaining agreement are subject to the rights and responsibilities of Title 50A RCW and related rules. Employers are also subject to the rights and responsibilities of Title 50A RCW and related rules for employees not covered by a collective bargaining agreement, regardless of whether the employer is party to a collective bargaining agreement covering other employees.

~~((6))~~ (5) Employers party to multiple collective bargaining agreements among different bargaining units are subject to the rights and responsibilities of Title 50A RCW and related rules as they pertain to the bargaining units whose collective bargaining agreement ~~((has expired, been reopened, or renegotiated))~~ is reopened or renegotiated by the parties or expires, on or after October 19, 2017.

(6) Parties to a collective bargaining agreement in existence on October 19, 2017, that has not been reopened or renegotiated by the parties or expired may elect to be subject to all applicable rights and responsibilities under Title 50A RCW and related rules prior to the expiration, reopening or renegotiation of the agreement. Parties seeking to do so must submit to the department a memorandum of understanding, letter of agreement, or a similar document signed by all parties.

AMENDATORY SECTION (Amending WSR 18-22-080, filed 11/2/18, effective 12/3/18)

**WAC 192-540-040 How should employers report hours ~~((worked))~~ for each calendar quarter?** Each calendar quarter, employers must report to the department the ~~((number of))~~ wages paid and the associated hours ~~((worked by))~~ for each employee. Employers must include the following hours in the report.

(1) **Hourly employees.** Report the total number of hours worked by each employee.

(2) **Employees on salary.** Report forty hours for each week in which a salaried employee as defined in WAC 192-500-100 worked.

(3) **Vacation pay, sick leave pay, holiday pay, paid time off.** Report the number of hours an employee is on paid leave. Do not report hours for a cash out of leave.

(4) **Overtime.** Report the number of hours actually worked for which overtime pay or compensatory time is provided, without regard to the amount of wages or compensation paid.

(5) **Commissioned or piecework employees.** Report the actual number of hours worked by employees paid by

commission or by piecework. If there are no reliable time keeping records, report a full-time commissioned or piecework employee at forty hours worked for each week in which any of their duties were performed.

(6) **Wages in lieu of notice.** Report the actual number of hours for which an employee was paid.

(7) **Faculty employees.**

(a) To be considered full time, faculty members of community and technical colleges must ~~((meet the definition of))~~ have a "full-time academic workload" as defined in RCW 28B.50.489.

(i) For full-time faculty members, report thirty-five hours per week.

(ii) For part-time faculty members, multiply thirty-five hours by the percentage ~~((that is))~~ equal to the percentage of hours worked in relation to a full-time faculty member consistent with RCW 28B.50.489 and 28B.50.4891.

**Example:** A technical college deems a teaching workload of fifteen hours per week to be full time. An instructor teaches a workload of twelve hours per week. Twelve divided by fifteen is eighty percent. Eighty percent of thirty-five is twenty-eight. Report twenty-eight hours per week.

(b) Part-time faculty members may overcome the presumption of hours established by this formula by providing the department ~~((with))~~ sufficient evidence of hours worked that exceeds the hours reported by the employer.

(8) **Severance pay.** Do not report hours for severance pay.

(9) **Payment in kind.** Report ~~((the))~~ actual hours worked for performing services which are compensated only by payment in kind.

(10) **Fractions of hours.** If the employee's total number of hours for the quarter results in a fraction ~~((amount))~~, round the total to the next higher whole number.

(11) **Practice, preparation, and rehearsal time.** If an employee who is part of a performing group is paid for a performance but is also required by the employer to attend practice, preparation, ~~((and))~~ or rehearsal on an organized group basis, report the hours spent in the required practice, preparation, ~~((and))~~ or rehearsal as well as the performance.

(12)(a) **On-call and standby hours.** Report the number of actual hours for which an employee receives wages for being on call or on standby with the employer. Do not report hours for which an on-call employee is scheduled to check in before work ~~((, and if))~~. Do not report hours for which an on-call employee has been informed they are not required to work ~~((, has no further obligations))~~.

(b) For the purpose of this section, "on-call" and "standby" hours are defined as paid hours when employees must comply with employer requirements, such as maintaining physical or mental status, remaining in a specified location, or being required to report to work within a specific time ~~((frame))~~.

#### NEW SECTION

**WAC 192-610-065 Will the department provide guidance to an employee filing a claim for paid family and medical leave benefits?** The department will provide paid

family and medical leave information and guidance to any employee who requests help filing an application for benefits.

#### NEW SECTION

**WAC 192-610-066 How will the department make employees aware of their rights and responsibilities?** (1)

The department will publish and post on its web site an informational employee guide for basic information on the laws, rules and procedures for the paid family and medical leave program. A copy of the guide will be available to the public at no charge when requested.

(2) The department will send an electronic link to the guide to employees who file an application for benefits and have authorized the department to contact them by email or other electronic means. For employees who have not authorized the department to contact them electronically, the department will send a written notice containing the web address for the guide and a phone number for the department.

(3) The department will maintain a brief descriptive web address for the online location of the employee guide.

(4) Employees are responsible for filing weekly applications and following all instructions as required in the employee guide.

(5) When requested, the department will assist employers and employees in understanding the employee guide.

(6) All employees are presumed to understand the employee guide and will be held responsible for failing to comply with its contents.

(7) If a conflict exists between the employee guide and spoken information provided by the department, the written information will prevail.

### Chapter 192-640 WAC

#### OVERPAYMENT OF BENEFITS

#### NEW SECTION

**WAC 192-640-005 Definitions.** For purposes of this chapter:

(1) "Overpayment" means any or all of the following:

(a) Payment of any paid family or medical leave benefits to which the department determines the employee is not entitled;

(b) Penalties assessed under RCW 50A.04.045; or

(c) Interest accrued under RCW 50A.04.065.

(2) "Equity and good conscience" means fairness as applied to each individual case after considering the totality of the circumstances.

#### NEW SECTION

**WAC 192-640-010 How are overpayments assessed on employees?** (1) If the department determines an employee has an overpayment as defined in WAC 192-640-005, the department will provide the employee with an overpayment assessment. The overpayment assessment will include all of the following:

(a) Whether the employee is found to be at fault;

(b) The amount of the overpayment; and

(c) The reason for the overpayment.

(2) The employee must repay the amount overpaid unless the department waives the overpayment.

(3) Any portion of the overpayment that was made on behalf of the employee to another entity is considered paid to the employee and will be included in the overpayment assessment.

#### NEW SECTION

**WAC 192-640-015 When can the department waive an overpayment?** (1) An employee who is determined to have an overpayment must repay the full amount of the overpayment unless a waiver is granted. The decision to waive an overpayment at all times rests with the department.

(2) An employee may be eligible for a waiver of an overpayment when the employee is not considered at fault and it would be against equity and good conscience for the department to require the employee to repay the full amount.

(3) When the department identifies an overpayment, the department will send an application for a waiver to any potentially eligible employees.

(4) An employee may request an application for a waiver of an overpayment if one was not already provided by the department, and if the employee's overpayment is not a result of fraud, conditional payment, or fault attributable to the individual.

(5) The waiver application will request information concerning the employee's financial situation or other circumstances which will help the department determine if the overpayment should be waived.

(6) The financial information requested may include, but is not limited to, documentation for the previous month, current month, and following month of the employee's household:

(a) Income and, to the extent available, the income of other household members who contribute financially to the household;

(b) Expenses; and

(c) Readily available liquid assets including, but not limited to, checking and savings account balances, stocks, bonds, and cash on hand.

(7) The completed waiver application and supporting documents must be returned to the department by the response deadline indicated in the overpayment assessment, which will be no less than ten working days. Reasonable mailing time will be added when the overpayment assessment is sent via postal service. If information is not provided by the deadline, the department will make a decision about the employee's eligibility for a waiver based on the available information.

(8) Any waived overpayment amount is considered paid to the employee and will count against the employee's available leave. A waiver cannot exceed the total amount of leave available on a claim. The department will not waive an overpayment to allow the employee more leave than the employee was originally eligible to receive.

(9) If a waiver is approved based on information from the employee, or on behalf of the employee, that is later determined by the department to be false or misleading, the

waiver could be void and the amount previously waived will be considered overpaid again. The determination to make a waiver void is subject to appeal.

#### NEW SECTION

**WAC 192-640-020 How will equity and good conscience be applied in overpayment waiver decisions?** (1) It is against equity and good conscience to deny a waiver request when repayment of the overpayment would create hardship for an employee to provide for basic needs such as food, shelter, medicine, utilities, and related expenses. Except in unusual circumstances, the department will presume repayment would leave the employee unable to provide basic needs if total household resources in relation to household size do not exceed seventy percent of the applicable lower living standard income level (LLSIL) and circumstances are not expected to change within the next ninety days.

(2) The department may also consider, but is not limited to, the following factors in determining whether waiver should be granted for reasons of equity and good conscience:

(a) The employee's general health, including disability, competency, and mental or physical impairment;

(b) The employee's education level, including literacy;

(c) The employee's ability to repay the overpayment based on employment or financial resources;

(d) The employee's marital status and number of dependents, including whether other household members are employed;

(e) Whether an error by department staff contributed to the overpayment; and

(f) Other factors indicating that repayment of the full amount would cause the employee undue economic, physical, or mental hardship.

(3) When determining whether a waiver of benefit overpayments may be granted based on equity and good conscience, the department must consider whether the employer or employer's agent failed to respond to the department timely or adequately without good cause. This subsection does not apply to negotiated settlements.

(4) The decision to grant or deny waiver will be based on the totality of circumstances rather than the presence of a single factor listed in subsections (1) through (3) of this section.

#### NEW SECTION

**WAC 192-640-025 What does the department consider "at fault" for an overpayment?** (1) The department will decide if the employee is at fault for an overpayment based on information provided by interested parties and from the department's records. The employee will always be considered at fault when the overpayment is the result of fraud or nondisclosure.

(2) The employee may be considered at fault, even though all relevant information was provided before a decision was issued, when the employee should reasonably have known the payment was improper. The department may determine the employee is at fault for an overpayment when, for example:

(a) It is determined that the employee worked during the same hours for which the employee claimed paid family or medical leave; or

(b) A lower-level decision reversed by the office of administrative hearings, the commissioner, or a court causes an overpayment because of information that the employee did not disclose to the department.

(3) In deciding if the employee is at fault, the department may also consider factors which may affect the employee's ability to report all relevant information to the department.

#### NEW SECTION

**WAC 192-640-030 Will the employee be notified of the right to appeal the overpayment?** The department will send all interested parties information about the overpayment assessment and the right to appeal. Employees have the right to appeal any of the following components of the assessment:

- (1) The reason for the overpayment;
- (2) The amount of the overpayment;
- (3) The finding of fault; and

(4) If an employee submitted a waiver application under WAC 192-640-015, the reason the department did not determine the employee to be potentially eligible for a waiver under WAC 192-640-015(3).

### Chapter 192-650 WAC

#### COLLECTIONS AND RECOVERY OF OVERPAYMENTS

#### NEW SECTION

**WAC 192-650-005 How will the department collect overpayments owed by an employee?** When an employee is assessed an overpayment, the department will calculate a minimum monthly payment as follows:

(1) For overpayments due to fraud as defined in WAC 192-500-120, conditional payments, or fault attributable to the employee, the minimum monthly payment for an employee will be the greater of:

(a) The employee's weekly benefit amount; or

(b) Three percent of the outstanding balance when the billing statement is sent, rounded down to the next whole dollar amount.

(2) For all other overpayments, the minimum monthly payment will be the greater of:

(a) One-third of the weekly benefit amount;

(b) Three percent of the outstanding balance when the billing statement is sent, rounded down to the next whole dollar amount; or

(c) Twenty-five dollars.

#### NEW SECTION

**WAC 192-650-010 Can overpayments be offset against future benefit payments?** (1) An overpayment may be offset on a valid claim year at the department's discretion when:

(a) An employee requests to repay an overpayment;

(b) An employee does not repay an overpayment in full; or

(c) An employee misses a portion of two or more arranged payments.

(2) If the new available claim amount for the current claim year is greater than the balance of the overpayment, the employee can request an amount of benefits to be offset from each payment, subject to approval by the department. However, if the new available claim amount for the current claim year is equal to or less than the balance of an overpayment on that claim year, the offset will be done at the rate of one hundred percent.

(3) An employee may request to repay overpayments owing on prior claim years by offset.

(4) For subsection (1)(b) and (c) of this section, the overpayment will be offset as follows:

(a) If the overpayment was caused by a denial for fraud the amount deducted will be one hundred percent of the benefits payable for each week the employee claims benefits. These overpayments will be collected first.

(b) For all other overpayments, the amount deducted will be fifty percent of the benefits payable for each week claimed by the employee, or such other percentage approved under subsection (2) of this section, up to one hundred percent of benefits payable. The percent deducted is based on the total weekly benefit amount, before deductions for such items as pensions, child support, income taxes.

(c) Interest, penalties, surcharges, court costs, and charges for dishonored payments will not be deducted from benefit payments; they must be repaid.

(5) During any valid claim year, the total amount of benefits paid to the employee plus offset credits granted will not exceed the maximum benefits payable on the claim.

(6) If offset of an overpayment is granted against weeks that are later found to have been paid in error or as a result of fraud, the offset for those weeks will be canceled and the amount will be restored to the employee's overpayment balance.

#### NEW SECTION

**WAC 192-650-015 Are negotiated settlements of overpayments permitted?** (1) The department can accept a negotiated settlement to repay a debt of overpayment under RCW 50A.04.185. Except as provided in subsection (3) of this section, a negotiated settlement of the overpayment for less than the full amount owed will be considered when requiring an employee to repay the full amount would be against equity and good conscience as defined in WAC 192-640-005.

(2) In considering settlement offers, the department will first consider whether it is financially advantageous to the department to collect the debt. The department may also consider:

(a) The age and amount of the overpayment;

(b) The number of prior contacts with the employee;

(c) If the employee previously made good faith efforts to pay the debt;

(d) The ability to enforce collection; or



(e) Other information relevant to the employee's ability to repay the debt.

(3) Except in unusual circumstances, a settlement offer will not be accepted when the employee's overpayment is the result of fraud. Unusual circumstances that may warrant a negotiated settlement of the overpayment and associated penalties include, but are not limited to, long-term or terminal illness, severe permanent disability, or other circumstances that seriously impair the employee's long-term ability to generate income.

(4) The department's decision to accept or reject a settlement offer is not subject to appeal. If the department rejects the settlement offer, the employee is permitted to make another offer if the employee's circumstances change.

#### NEW SECTION

**WAC 192-650-020 How does an employee make a negotiated settlement offer to repay overpayments?** (1) An employee may contact the department online or in another manner approved by the department to make an offer to settle a debt for less than the full amount the employee owes. The employee must:

- (a) Specify the amount the employee is offering to repay; and
  - (b) Be prepared to provide financial and other information to support the offer.
- (2) The department may request a credit report to verify the information the employee provides.
- (3) The department will notify the employee of its decision to accept or decline the offer.

#### NEW SECTION

**WAC 192-650-025 How are payments and offsets applied when an employee has more than one overpayment?** (1) If the department has assessed more than one overpayment against an employee, the department will apply payments and offsets beginning with the oldest debt. The department will apply payments and offsets to the outstanding balance in the following order:

- (a) Court costs including, but not limited to, filing fees and surcharges paid to the court for their official services, and surcharges and fees collected by the court for distribution to other programs or funds. It does not, however, apply to surcharges paid to the court under RCW 40.14.027 which are applied under (f) of this subsection;
  - (b) Interest;
  - (c) Penalties based on fraud;
  - (d) Charges for payments dishonored by nonacceptance or nonpayment;
  - (e) Overpaid benefits; and
  - (f) Surcharges assessed under RCW 40.14.027.
- (2) The department will charge twenty-five dollars for each dishonored payment the employee submits. This is considered a commercial charge under the Uniform Commercial Code (RCW 62A.3-515).

## Chapter 192-700 WAC

### EMPLOYMENT RESTORATION

#### NEW SECTION

**WAC 192-700-005 When is an employee entitled to employment restoration after leave ends?** (1) Subject to RCW 50A.04.025(3), an employee who meets the criteria listed in RCW 50A.04.025 (6)(a) who takes leave under Title 50A RCW is entitled, on return from the leave, to be restored by the employer to:

- (a) The position of employment held by the employee when the leave commenced; or
- (b) An equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
  - (i) "Equivalent position" means a position that is nearly identical to the employee's former position as if the employee did not take extended leave. This includes pay, benefits and working conditions, privileges, perks, location, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.
  - (ii) "Employment benefits" includes all benefits provided or made available to employees by an employer such as:

- (A) Insurance;
- (B) Paid time off;
- (C) Educational benefits; or
- (D) Retirement benefits.

(2) An employee is entitled to such reinstatement even if the employee has been replaced or the employee's position has been restructured to accommodate the employee's absence unless the employer can demonstrate the circumstances fall within WAC 192-700-010(1).

(3) The protections provided in RCW 50A.04.025 and this section apply to the employee beginning with the date the employee starts taking leave.

#### NEW SECTION

**WAC 192-700-010 Can an employer deny employment restoration?** (1) An employee is not entitled to employment protection under Title 50A RCW if:

- (a) An employer exercises its right to deny restoration under RCW 50A.04.025 (6)(b) and the employee has elected not to return to employment after receiving notice under subsection (2) of this section; or
- (b) The employer is able to show that an employee would not otherwise have been employed at the time of reinstatement.

(2) An employer that chooses to deny restoration under subsection (1)(a) or (b) of this section to an employee on paid medical or family leave must notify the employee in writing as soon as the employer decides to deny restoration. The employer must serve this notice to the employee either in person or by certified mail. The notice must include:

- (a) A statement that the employer intends to deny employment restoration when the leave has ended;
- (b) The reasons behind the decision to deny restoration;

(c) An explanation that health benefits will still be paid for the duration of the leave; and

(d) The date in which eligibility for employer-provided health benefits ends.

(3) Employers that choose to deny restoration are required to adhere to the continuation of health benefits in RCW 50A.04.245 for the remainder of the employee's approved leave.

#### NEW SECTION

**WAC 192-700-015 How is employer size determined for employment protection?** (1) Employment protection applies to employees who work for an employer with fifty or more employees in employment.

(2) For the purpose of employment protection, employers are considered to have fifty or more employees when:

(a) The employer has fifty or more employees working each work day for twenty or more calendar workweeks; and

(b) The twenty calendar workweeks occur in the current calendar year or occurred in the preceding calendar year.

#### NEW SECTION

**WAC 192-800-020 How will the department differentiate between employers?** (1) The department will determine each entity in possession of its own unified business identifier number as assigned by the state's business licensing service to be an individual employer.

(2) If the department finds an employer acted in such a way to avoid paying the full amount of premiums when due under RCW 50A.04.080 (3)(b), the employer may be subject to penalties under RCW 50A.04.090.

(3) If the department finds under subsection (2) of this section that an employer acted in such a way to avoid paying the full amount of premiums when due, the department may require the employer to report under a single unified business identifier selected by the department. In such cases, the department will notify the employer of the determination. Notice will include the department's findings, the unified business identifier under which the employer must report, and the full amount of remaining premiums, if any, due by the responsible employer.

### WSR 19-11-117

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed May 22, 2019, 7:36 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.-330(1).

Title of Rule and Other Identifying Information: WAC 246-320-199, 246-322-990 and 246-324-990, hospital fees, the department of health is proposing increased initial license and annual fees for acute care, psychiatric, and alcohol and chemical dependency hospitals.

Hearing Location(s): On June 25, 2019, at 10:00, at the Department of Health, Point Plaza East Room 152-153, 310 Israel Road, Tumwater, WA 98501.

Date of Intended Adoption: July 2, 2019.

Submit Written Comments to: Stephanie Vaughn, Policy Analyst, P.O. Box 47850, Olympia, WA 98504-7850, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Stephanie Vaughn, phone 360-236-4617, fax 360-236-2901, TTY 360-833-6388 or 711, email [stephanie.vaughn@doh.wa.gov](mailto:stephanie.vaughn@doh.wa.gov), by June 18, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments to sections of WAC regarding hospital fees to increase initial license and annual fees for acute care, psychiatric, and alcohol and chemical dependency hospitals to address a funding gap. The funding gap must be addressed to fund the department's inspection and investigation work to protect patients. Additional revenue is needed to meet the requirement in RCW 43.70.250 stating that fees must cover regulatory program expenses. A fee increase is necessary to adequately fund the hospital inspection, investigation, and licensing programs.

Reasons Supporting Proposal: Current revenue from hospital licensing fees does not support all mandated regulatory activities, such as ongoing inspections and investigations of all one hundred seven licensed hospitals. Only about sixty-six percent of the funding needed to support the regulation of hospitals is generated by licensing fees. The department anticipates an average annual funding gap of about \$1 million based on current hospital fee revenue and projected expenditures necessary to conduct the work required by law. There are a few factors that have led to this funding gap: Changes made by the Centers for Medicare and Medicaid Services (CMS) that reduce our ability to do dual purpose investigations (state and CMS) and split the cost with the federal government; and staff salary increases over the last several years.

In addition to not covering current expenses, the current revenue level provides no reserves for unexpected program costs. The office of financial management recommends a reserve level of two months of expenditures, equivalent to seventeen percent of annual expenditures. The hospital licensing program will not be able to build the reserve as long as expenditures continue to exceed revenue.

Fees were last raised for hospitals in 2017, but the increase only addressed the revenue need for fire code inspections. This fee increase did not impact the current gap in funding for regulatory activities conducted by the department. The last time fees were raised to support regulatory program activities was in 2007 for psychiatric and chemical dependency hospitals and 2012 for acute care hospitals. RCW 43.70.250 requires the program to be self-funding and according to agency policy this is to occur within a six year period. A fee increase will be necessary to correct this trend.

Statutory Authority for Adoption: RCW 43.70.250, 43.70.280, 70.41.030, 71.12.670.

Statute Being Implemented: RCW 43.70.250, 43.70.280, 70.41.100, 71.12.470.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Stephanie Vaughn, 111 Israel Road S.E., Tumwater, WA 98501, 360-246-4617; Implementation and Enforcement: Julie Tomaro, 111 Israel Road S.E., Tumwater, WA 98501, 360-246-2937.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

May 19, 2019

John Wiesman, DrPH, MPH  
Secretary

**AMENDATORY SECTION** (Amending WSR 17-18-109, filed 9/6/17, effective 11/30/17)

**WAC 246-320-199 Fees.** This section establishes the initial licensure and annual fees for hospitals licensed under chapter 70.41 RCW. The license must be renewed every three years.

(1) Applicants and licensees shall submit to the department:

(a) An initial license fee of ~~((one hundred thirty-eight))~~ two hundred twenty dollars for each bed space within the authorized bed capacity for the hospital;

(b) An annual fee of ~~((one hundred thirty-eight))~~ two hundred twenty dollars for each bed space within the authorized bed capacity of the hospital by November 30th of the year.

(2) As used in this section, a bed space:

(a) Includes all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient care;

(b) Includes level 2 and 3 bassinets spaces;

(c) Includes bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The hospital currently possesses the required movable equipment and certifies this fact to the department.

(d) Excludes all normal infant bassinets;

(e) Excludes beds banked as authorized by certificate of need under chapter 70.38 RCW.

(3) A licensee shall submit to the department a late fee in the amount of one hundred dollars per day whenever the annual use fee is not paid by November 30. The total late fee will not exceed twelve hundred dollars.

(4) An applicant may request a refund for initial licensure as follows:

(a) Two-thirds of the initial fee paid after the department has received an application and not conducted an on-site survey or provided technical assistance; or

(b) One-third of the initial fee paid after the department has received an application and conducted either an on-site survey or provided technical assistance but not issued a license.

**AMENDATORY SECTION** (Amending WSR 17-18-109, filed 9/6/17, effective 11/30/17)

**WAC 246-322-990 Private psychiatric hospital fees.**

This section establishes the initial licensure and annual fees for private psychiatric hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall:

(a) Submit to the department an initial licensure fee of ~~((eighty-five))~~ one hundred thirty-five dollars for each bed space within the licensed bed capacity of the hospital to the department;

(b) Submit to the department an annual fee of ~~((eighty-five))~~ one hundred thirty-five dollars for each bed space within the licensed bed capacity of the hospital to the department;

(c) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(d) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department((;)).

(e) Limit licensed bed spaces as required under chapter 70.38 RCW;

(f) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity;

(g) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**AMENDATORY SECTION** (Amending WSR 17-18-109, filed 9/6/17, effective 11/30/17)

**WAC 246-324-990 Fees.** This section establishes the initial licensure and annual fees for private alcohol and chemical dependency hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall submit to the department:

(a) An initial licensure fee of ~~((eighty-five))~~ one hundred thirty-five dollars for each bed space within the proposed licensed bed capacity; and

(b) An annual fee of ~~((eighty-five))~~ one hundred thirty-five dollars for each licensed bed space.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received an application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has conducted more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**WSR 19-11-125  
PROPOSED RULES**

**HEALTH CARE AUTHORITY**

(School Employees Benefits Board)

[Admin # 2019-01—Filed May 22, 2019, 9:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-04-081.

Title of Rule and Other Identifying Information: **The following sections in chapter 182-30 WAC are revised or new:** WAC 182-30-010 Purpose, 182-30-020 Definitions, 182-30-030 (new) Employer contribution for school employees benefits board (SEBB) benefits, 182-30-040 Premium payments and premium refunds, 182-30-050 What are the

requirements regarding premium surcharges?, 182-30-060 (new) How do school employees benefits board (SEBB) organizations and contracted vendors correct enrollment errors?, 182-30-070 The employer contribution is set by the health care authority (HCA) and paid to the HCA for all eligible school employees, 182-30-075 Subscriber requirements as part of participation in school employees benefits board (SEBB) benefits, 182-30-080 (new) When must a newly eligible school employee, or a school employee who regains eligibility for the employer contribution, elect school employees benefits board (SEBB) benefits and complete required forms?, 182-30-081 (new) School employees benefits board (SEBB) first annual open enrollment, 182-30-085 (new) What happens if my health plan becomes unavailable due to a change in contracted service area or eligibility for medicare?, 182-30-090 When may a subscriber change health plans?, 182-30-100 When may a subscriber enroll or revoke an election and make a new election under the premium payment plan, medical flexible spending arrangement (FSA), or dependent care assistance program (DCAP)?, 182-30-120 Advertising or promotion of school employees benefits board (SEBB) benefit plans, and 182-30-130 (new) What are the requirements for a school employees benefits board (SEBB) organization engaging in local negotiations regarding SEBB benefits eligibility criteria?

**The following sections in chapter 182-31 WAC are revised or new:** WAC 182-31-010 Purpose, 182-31-020 Definitions, 182-31-030 What are the obligations of a school employees benefits board (SEBB) organization in the application of school employee eligibility?, 182-31-040 How do school employees establish eligibility for the employer contribution toward school employees benefits board (SEBB) benefits and when does SEBB insurance coverage begin?, 182-31-050 When does eligibility for the employer contribution for school employees benefits board (SEBB) benefits end?, 182-31-060 Who is eligible to participate in the salary reduction plan?, 182-31-070 (new) Is dual enrollment in school employees benefits board (SEBB) prohibited?, 182-31-080 (new) When may a school employee waive enrollment in school employees benefits board (SEBB) medical and when may they enroll in SEBB medical after having waived enrollment?, 182-31-090 When is an enrollee eligible to continue school employees benefits board (SEBB) health plan coverage under Consolidated Omnibus Budget Reconciliation Act (COBRA) and where may school employee survivors go for additional coverage options?, 182-31-091 (new) School employees benefits boards (SEBB) continuation coverage for school employees and their dependents who are not eligible for SEBB benefits as of January 1, 2020, and for dependents who were already on a SEBB organization's continuation coverage as of December 31, 2019?, 182-31-100 (new) What options for continuation of coverage are available to school employees and their dependents during certain types of leave or when employment ends due to a layoff?, 182-31-110 What options are available if a school employee is approved for the federal Family and Medical Leave Act (FMLA)?, 182-31-120 (new) What options for continuation coverage are available to school employees during their appeal of a grievance?, 182-31-130 (new) What options for continuation coverage are available to dependents who cease

to meet the eligibility criteria as described in WAC 182-31-140 or 182-30-130?, 182-31-135 (new) Where may school employee survivors go for additional coverage options?, 182-31-140 Who are eligible dependents?, 183-31-150 When may subscribers enroll or remove eligible dependents?, 182-31-160 National medical support notice (NMSN), and 182-31-190 (new) School employees benefits board (SEBB) wellness incentive program eligibility and procedural requirements.

**The following sections in chapter 182-32 WAC are revised or new:** WAC 182-32-020 Definitions, 182-32-064 Applicable rules and laws, 182-32-066 Burden of proof, standard of proof, and presumptions, 182-32-120 Computation of time, 182-32-130 Index of significant decisions, 182-32-2000 Brief adjudicative proceedings, 182-32-2010 Appealing a decision regarding eligibility, enrollment, premium payments, premium surcharges, or the administration of benefits, 182-32-2020 Appealing a decision made by a school employees benefits board (SEBB) organization about eligibility, premium surcharge, or enrollment in benefits, 182-32-2030 Appealing a school employees benefits board (SEBB) program decision regarding eligibility, enrollment, premium payments, and premium surcharges, 182-32-2040 (new) How can a subscriber appeal a decision regarding the administration of wellness incentive program requirements?, 182-32-2050 How can a school employee appeal a decision regarding the administration of benefits offered under the salary reduction plan?, 182-32-2080 Who can appeal or represent a party in a brief adjudicative proceeding?, 182-32-2085 Continuances, 182-32-2100 How to request a review of an initial order resulting from a brief adjudicative proceeding, 182-32-2105 Withdrawing the request for a brief adjudicative proceeding or review of an initial order, 182-32-2120 Request for reconsideration, 182-32-2130 Judicial review of final order, 182-32-2150 Review officer or officers—Designation and authority, 182-32-2160 Conversion of a brief adjudicative proceeding to a formal administrative hearing, 182-32-3000 Formal administrative hearings, 182-32-3010 Requirements to appear and represent a party in the formal administrative process, 182-32-3030 Authority of the hearing officer, 182-32-3080 Time requirements for service of notice made by the hearing officer, 182-32-3100 Rescheduling and continuances for formal administrative hearings, 182-32-3120 Dispositive motions, 182-32-3130 Subpoenas, 182-32-3140 Orders of dismissal—Reinstating a formal administrative hearing after an order of dismissal, 182-32-3180 Request for reconsideration and response—Process, 182-32-3190 Decisions on requests for reconsideration, and 182-32-3200 Judicial review of final order.

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 26, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by June 25, 2019.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.loughheed@hca.wa.gov](mailto:amber.loughheed@hca.wa.gov), by June 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA continues to develop rules to implement legislation that created the new SEBB program. The purpose of this proposal is to create new rules and to amend some of the existing rules.

#### **Implement SEBB policy resolutions and statutory changes:**

- Created WAC 182-31-070 to establish that dual enrollment in SEBB benefits is prohibited and that if a school employee has eligibility at more than one SEBB organization how that will be resolved;
- Amended WAC 182-31-040 to include school employee eligibility for mid to late year hires within a school year and for school employees who are presumed eligible based on their work pattern the last two years. Also, added that school employees may only stack hours within one SEBB organization to establish SEBB benefits eligibility;
- Created WAC 182-31-080 to established the process for school employees to waive SEBB benefits and how to return from a waive status;
- Created WAC 182-30-080 to establish the process for the enrollment of newly hired school employees and for school employees who are regaining eligibility. Establishes a default enrollment if the school employee doesn't enroll in or waive SEBB benefits within thirty-one days of establishing eligibility for the employer contribution. Add information on uninterrupted coverage for school employees moving between SEBB organizations given certain circumstances, and for school employees returning to the same SEBB organization given certain circumstances;
- Created WAC 182-31-190 to establish eligibility and procedural requirements for the SEBB wellness incentive;
- Amended WAC 182-32-2010 to include the process that a school employee will use to appeal wellness incentive decisions;
- Amended WAC 182-32-2030 to include the process that a school employee will use to appeal SEBB program wellness incentive decisions;
- Created WAC 182-32-2040 to include the process that a school employee will use to appeal wellness incentive program requirements;
- Created WAC 182-31-100 to establish certain types of approved leave that will be allowed to have continuation coverage for up to twenty-nine months;
- Created WAC 182-31-091 to establish SEBB continuation coverage eligibility for school employees and their dependents who don't meet SEBB eligibility standards at the start of the program or who were already on a SEBB organization's continuation coverage on December 31, 2019;

- Created WAC 182-30-130 to establish the eligibility criteria and program requirement for locally negotiated SEBB benefits;
- Created WAC 182-30-060 to establish the error correction process to be used within the SEBB program when an employer error [is] made; and
- Amended the definition of "school employee" in chapters 182-30, 182-31, and 182-32 WAC to reflect that nonrepresented educational service district employees will join SEBB in January 2024 to implement ESHB 2140.

#### **Making technical amendments to:**

- Amended the purpose statements within chapters 182-30 and 182-31 WAC to include the locally negotiated SEBB benefits eligibility and enrollment;
- Created WAC 182-30-030 to describe what the employer contribution will be used for;
- Amended WAC 182-30-040 to include information on subscribers enrolling in continuation coverage and when and where payments are due. Also, added that if a payment plan [is] requested it can last for up to twelve months in duration;
- Amended WAC 182-30-050 to include information on what happens to school employees that waive coverage as related to surcharge, that school employees that waive their coverage to be on their spouse or state register domestic partner's SEBB benefits will not receive the spousal/state registered domestic partners surcharge, that spouses or state registered domestic partners who elect to not enroll in TRICARE will not receive the surcharge;
- Amended WAC 182-30-070 to include information on what happens to the employer contribution if a school employee waives coverage under regular SEBB eligibility and under locally negotiated SEBB benefits;
- Amended WAC 182-30-075 to include additional requirement when a school employee needs to update their address with the SEBB program;
- Created WAC 182-30-081 to address the requirements of the first SEBB open enrollment (OE) period;
- Created WAC 182-30-085 to address what happens if my health plan becomes unavailable due to a change in contracted service area or eligibility for medicare;
- Amended WAC 182-30-090 to clarify that newly hired school employee must enroll within thirty-one days and not sixty days. That a dental plan is available if it is within fifty miles of the new address. Amended the dependent moves into or out of the United States life event to include the requirement that the change in residence results in the dependent losing their health insurance;
- Amended WAC 182-30-100 to reflect that school employees not subscribers were impacted by this rule;
- Amended WAC 182-31-020 to include a definition of "layoff," and "plan year";
- Amended WAC 182-31-090 to clarify issues about who is eligible and where and when to turn in the required forms for COBRA coverage;
- Amended WAC 182-31-020 to include requirements for the Washington state paid family medical leave program;
- Created WAC 182-31-120 to address the continuation coverage options available when a school employee is appealing a grievance;
- Created WAC 182-31-130 to address the continuation coverage options available when a dependent ceases to meet the SEBB program's eligibility standard;
- Created WAC 182-31-135 to address the continuation coverage options available to a survivor of a school employee;
- Amended WAC 182-31-150 to clarify how to remove a dependent who is no longer eligible for benefits and amended the dependent moves into or out of the United States life event to include the requirement that the change in residence results in the dependent losing their health insurance;
- Amended WAC 182-32-020 with correct RCW citation as well as adding WAC citation references regarding formal administrative hearings;
- Amended WAC 182-32-064 to include that SEBB organizations must follow SEBB program rules and instructions from the HCA;
- Amended WAC 182-32-066 to include that the appellant has the burden of proof in a brief adjudicative proceeding or a formal administrative hearing;
- Amended WAC 182-32-120 to clarify that the time prescribed is ten days or less;
- Amended WAC 182-32-2000 with correct RCW citation; and
- Amended WAC 182-32-2010 to include the process that a school employee will use to appeal a decision regarding SEBB property and casualty appeals.

#### **Amending rule to improve administration of the SEBB program:**

- Within the definition sections of chapters 182-30, 182-31, and 182-32 WAC:
  - Amended the definition of "life insurance" to remove the reference to accidental death and dismemberment (AD&D) and created a new definition for "AD&D";
  - Amended the definition of "calendar days or days" to include all state holidays as described in RCW 1.16.050;
  - Amended the definition of "dependent care assistance program" to reflect the correct statute and to incorporate who may participate;
  - Added a definition of "employer-based group health plan";
  - Amended the definition of "enrollee" to include locally negotiated SEBB benefits;
  - Amended the definition of "health plan" to include the vision benefit;
  - Amended the definition of "medical flexible spending arrangement" to reflect the correct statute and to incorporate who may participate;
  - Amended the statutory reference in "premium payment plan";

- o Added a definition of "public employees benefits board or PEBB";
  - o Amended the definition of "SEBB insurance" to include AD&D and to specify long-term disability; and
  - o Amended the definition of "SEBB program" to include locally negotiated SEBB benefits.
- Within the definition sections of chapters 182-30 and 182-31 WAC:
    - o Removed the definition of "disability insurance." This idea is already included with the definition of "LTD insurance";
    - o Amended the definition of "employer contribution" to include the funding amount paid for locally negotiated SEBB benefits;
    - o Added a definition of "supplemental coverage";
    - o Added a definition of "waive"; and
    - o Added a definition of "week."
  - Amended WAC 182-30-020 created a new definition of "salary reduction plan," and removed the definition of "short term disability insurance";
  - Amended WAC 182-30-090 to clarify the disruption of care life event;
  - Amended WAC 182-31-020 and 182-32-020 to clarify the definition of "documents";
  - Amended WAC 182-31-060 to clarify who is eligible for the salary reduction plan;
  - Amended WAC 182-31-140 to clarify dependent verification requirements and how and when a school employee must notify the SEBB program when a dependent is no longer eligible for benefits;
  - Amended WAC 182-31-160 to provide clarity on when a dependent may be removed from coverage;
  - Amended WAC 182-32-020 [to] add a definition of "dispositive motion," to remove the definition of "employer contribution," and "employer-paid coverage"; and
  - Amended WAC 182-32-2080 and 182-32-3010 to clarify when HCA employees may represent an appellant.

Reasons Supporting Proposal: See purpose statement.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: ESHB 2140, SSB 5975, and ESSB 6241.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Rob Parkman, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0883; Implementation: Barbara Scott, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0880; and Enforcement: Scott Palafox, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1858.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These rules do not apply to small businesses.

May 22, 2019  
Wendy Barcus  
Rules Coordinator

## Chapter 182-30 WAC

### ((ENROLLMENT)) PROCEDURES

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-010 Purpose.** The purpose of this chapter is to establish school employees benefits board (SEBB) program enrollment criteria and procedures for school employees eligible for SEBB benefits under RCW 41.05.740 (6)((d)(i). ~~This chapter does not address where a SEBB organization has locally negotiated to offer SEBB benefits to school employees who are anticipated to work less than six hundred thirty hours in a school year as authorized in RCW 41.05.740 (6)(e)).~~

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-020 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates another meaning:

"Accidental death and dismemberment insurance" or "AD&D" means basic accidental death and dismemberment (AD&D) insurance paid for by the SEBB organization, as well as supplemental accidental death and dismemberment insurance offered to and paid for by school employees for themselves and their dependents.

"Annual open enrollment" means ~~((a once yearly))~~ an annual event set aside for a period of time by the HCA when subscribers may make changes to their health plan enrollment and salary reduction elections for the following plan year. During the annual open enrollment, subscribers may transfer from one health plan to another, enroll or remove dependents from coverage, ~~((enroll))~~ enroll in coverage, or waive enrollment in SEBB medical. School employees participating in the salary reduction plan may enroll in or change their election under the dependent care assistance program (DCAP), ~~((and))~~ or the medical flexible spending arrangement (FSA). They may also enroll in or opt out of the premium payment plan.

"Authority" or "HCA" means the Washington state health care authority.

"Board" means the school employees benefits board established under provisions of RCW 41.05.740.

"Calendar days" or "days" means all days including Saturdays, Sundays, and all legal state holidays as set forth in RCW 1.16.050.

"Consolidated Omnibus Budget Reconciliation Act" or "COBRA" means continuation coverage as administered under 42 U.S.C. Secs. 300bb-1 through 300bb-8.

"Continuation coverage" means the temporary continuation of health plan coverage available to enrollees under the Consolidated Omnibus Budget Reconciliation Act (COBRA), 42 U.S.C. Secs. 300bb-1 through 300bb-8, the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Secs. 4301 through 4335, or SEBB (~~board~~) policies.

"Contracted vendor" means any person, persons, or entity under contract or agreement with the HCA to provide goods or services for the provision or administration of SEBB benefits. The term "contracted vendor" includes subcontractors of the HCA and subcontractors of any person, persons, or entity under contract or agreement with the HCA that provide goods or services for the provision or administration of SEBB benefits.

"Dependent" means a person who meets eligibility requirements in WAC 182-31-140.

"Dependent care assistance program" or "DCAP" means a benefit plan whereby school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 129 or other sections of the Internal Revenue Code.

"Director" means the director of the authority.

~~("Disability insurance" includes any basic long-term disability insurance paid for by the school employees benefits board (SEBB) organization and any supplemental long-term disability or supplemental short-term disability paid for by the employee.)~~ "Employer-based group health plan" means group medical, group vision, and group dental related to a current employment relationship. It does not include medical, vision, or dental coverage available to retired employees, individual market medical or dental coverage, or government-sponsored programs such as medicare or medicaid.

"Employer contribution" means the funding amount paid to the HCA by a school employees benefits board (SEBB) organization for its eligible school employees as described under WAC ~~((182-31-060))~~ 182-31-040 or 182-30-130.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-31 WAC or WAC 182-30-130, who is enrolled in SEBB benefits, and for whom applicable premium payments have been made.

"Forms" or "form" means both paper forms and forms completed electronically.

"Health plan" means a plan offering medical, vision, dental, or any combination of these coverages, developed by the SEBB and provided by a contracted vendor or self-insured plans administered by the HCA.

"Insignificant shortfall" means a premium balance owed that is less than or equal to the lesser of \$50 or ten percent of the premium required by the health plan as described in Treasury Regulation 26 C.F.R. 54.4980B-8.

"Life insurance" ~~((for eligible school employees includes))~~ means any basic life insurance ~~((and accidental death and dismemberment (AD&D) insurance))~~ paid for by the ~~((school employees benefits board (SEBB)))~~ organization, as well as supplemental life insurance ~~((and supplemental AD&D insurance))~~ offered to and paid for by school employees for themselves and their dependents.

"LTD insurance" or "long-term disability insurance" ~~((includes))~~ means any basic long-term disability insurance paid for by the ~~((school employees benefits board (SEBB)))~~ organization and any supplemental long-term disability insurance offered to and paid for by the school employee.

"Medical flexible spending arrangement" or "medical FSA" means a benefit plan whereby eligible school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan established under ~~((this))~~ chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"Premium payment plan" means a benefit plan whereby school employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under ~~((this))~~ chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"Premium surcharge" means a payment required from a subscriber, in addition to the subscriber's medical premium contribution, due to an enrollee's tobacco use or an enrolled subscriber's spouse or state registered domestic partner choosing not to enroll in their employer-based group medical when:

- The spouse's or state registered domestic partner's share of the medical premium is less than ninety-five percent of the additional cost an employee would be required to pay to enroll a spouse or state registered domestic partner in the public employees benefits board (PEBB) Uniform Medical Plan (UMP) Classic; and
- The benefits have an actuarial value of at least ninety-five percent of the actuarial value of PEBB UMP Classic benefits.

"Public employees benefits board" or "PEBB" means the board established under RCW 41.05.055.

"Salary reduction plan" means a benefit plan whereby school employees may agree to a reduction of salary on a pre-tax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"School employee" means:

- All employees of school districts~~((educational service districts,))~~ and charter schools established under chapter 28A.710 RCW;
- Represented employees of educational service districts; and
- Effective January 1, 2024, all employees of educational service districts.

"School employees benefits board organization" or "SEBB organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that is required to participate in benefit plans provided by the school employees benefits board.

"School year" means school year as defined in RCW 28A.150.203(11).

"SEBB" means the school employees benefits board established in RCW 41.05.740.



"SEBB benefits" means one or more insurance coverages or other school employee benefits administered by the SEBB program within the HCA.

"SEBB insurance coverage" means any health plan, life insurance, accidental death and dismemberment insurance, or long-term disability insurance administered as a SEBB benefit.

"SEBB program" means the program within the HCA that administers insurance and other benefits for eligible school employees (as described in WAC 182-31-040 or 182-30-130) and eligible dependents (as described in 182-31-140).

~~("Short term disability insurance" includes any basic short term disability insurance paid for by the school employees benefits board (SEBB) organization and any supplemental short term disability insurance offered to and paid for by the school employee.)~~

"Special open enrollment" means a period of time when subscribers may make changes to their health plan enrollment and salary reduction elections outside of the annual open enrollment period when specific life events occur. During the special open enrollment subscribers may change health plans and enroll or remove dependents from coverage. Additionally, school employees may enroll in or waive enrollment in SEBB medical. School employees eligible to participate in the salary reductions plan may enroll in or revoke their election under the DCAP, medical FSA, or the premium payment plan and make a new election. For special open enrollment events related to specific SEBB benefits, see WAC 182-30-090, 182-30-100, 182-31-080, and 182-31-150.

"State registered domestic partner" has the same meaning as defined in RCW 26.60.020(1) and substantially equivalent legal unions from other jurisdictions as defined in RCW 26.60.090.

"Subscriber" means the school employee or continuation coverage enrollee who has been determined eligible by the SEBB program or SEBB organization, is enrolled in SEBB benefits, and is the individual to whom the SEBB program and contracted vendors will issue all notices, information, requests, and premium bills on behalf of an enrollee.

"Supplemental coverage" means any life insurance, accidental death and dismemberment (AD&D) insurance coverage, or long-term disability coverage purchased by the school employee in addition to the basic coverage provided by the school employees benefits board (SEBB) organization.

"Tobacco products" means any product made with or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, and other tobacco products. It does not include e-cigarettes or United States Food and Drug Administration (FDA) approved quit aids.

"Tobacco use" means any use of tobacco products within the past two months. Tobacco use, however, does not include the religious or ceremonial use of tobacco.

"Waive" means an eligible school employee affirmatively declining enrollment in a SEBB health plan because the school employee is enrolled in other employer-based

group medical, TRICARE plans, or medicare as allowed under WAC 182-31-080.

"Week" means a seven-day period starting on Sunday and ending on Saturday.

#### NEW SECTION

**WAC 182-30-030 Employer contribution for school employees benefits board (SEBB) benefits.** The employer contribution must be used to provide school employees benefits board (SEBB) insurance coverage for the basic life insurance benefit, basic accidental death and dismemberment (AD&D) insurance benefit, basic long-term disability (LTD) insurance benefit, medical insurance, vision insurance, dental insurance, SEBB program administrative costs, the school employee remittance required in RCW 28A.400.410 and to establish a reserve for any remaining balance. There is no employer contribution available for any other insurance coverage for school employees employed by SEBB organizations.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-040 Premium payments and premium refunds.** School employees benefits board (SEBB) benefits premiums and applicable premium surcharges for all subscribers are due as described in this section, except when a SEBB organization is correcting its enrollment error as described in WAC 182-30-060.

~~(1) Premium payments. ((School employees benefits board (SEBB)) SEBB insurance coverage)) benefits premiums and applicable premium surcharges for all subscribers become due the first of the month in which SEBB (insurance coverage is) benefits are effective. Premiums and applicable premium surcharges are due from the subscriber for the entire month of ((SEBB insurance coverage)) SEBB benefits and will not be prorated during any month.~~

(a) For subscribers not eligible for the employer contribution that are electing to enroll in continuation coverage as described in WAC 182-31-090, 182-31-091, 182-31-100, 182-31-120, or 182-31-130, the first premium payment and applicable premium surcharges are due to the health care authority (HCA) no later than forty-five days after the election period ends as described within the Washington Administrative Code applicable to the subscriber. Premiums and applicable premium surcharges associated with continuing SEBB medical must be made to the HCA as well as premiums associated with continuing SEBB dental or vision insurance coverage. Premiums associated with life insurance coverage and accidental death and dismemberment (AD&D) coverage must be made to the contracted vendor. Following the first premium payment, premiums and applicable premium surcharges must be paid as premiums become due.

(b) For school employees who are eligible for the employer contribution, ((the school employee's)) premiums and applicable premium surcharges are due to the SEBB organization. If a school employee elects supplemental coverage, the school employee is responsible for payment of premiums ((starting)) from the month the supplemental coverage begins.

~~((b))~~ (c) Unpaid or underpaid premiums or applicable premium surcharges for all subscribers must be paid, and are due from the SEBB organization, subscriber, or a subscriber's legal representative to the ~~((health care authority~~ HCA~~)).~~ For subscribers not eligible for the employer contribution or school employees eligible for the employer contribution as described in WAC 182-31-110, monthly premiums or applicable premium surcharges that remain unpaid for thirty days will be considered delinquent. A subscriber is allowed a grace period of thirty days from the date the monthly premiums or applicable premium surcharges become delinquent to pay the unpaid premium balance or applicable premium surcharges. If a subscriber's monthly premiums or applicable premium surcharges remain unpaid for sixty days from the original due date, the subscriber's SEBB ~~((insurance coverage))~~ benefits will be terminated retroactive to the last day of the month for which the monthly premiums and any applicable premium surcharges were paid. If it is determined by the HCA that payment of the unpaid balance in a lump sum would be considered a hardship, the HCA may develop a reasonable payment plan up to twelve months in duration with the subscriber or the subscriber's legal representative upon request.

~~((e))~~ (d) Monthly premiums or applicable premium surcharges due from a subscriber who is not eligible for the employer contribution will be considered unpaid if one of the following occurs:

(i) No payment of premiums or applicable premium surcharges are received by the HCA and the monthly premiums or applicable premium surcharges remain unpaid for thirty days; or

(ii) Premium payments or applicable premium surcharges received by the HCA are underpaid by an amount greater than an insignificant shortfall and the monthly premiums or applicable premium surcharges remain underpaid for thirty days past the date the monthly premiums or applicable premium surcharges were due.

(2) **Premium refunds.** SEBB benefits premiums and applicable premium surcharges will be refunded using the following methods:

(a) When a subscriber submits an enrollment change affecting subscriber or dependent eligibility, HCA may allow up to three months of accounting adjustments. HCA will refund to the individual or the SEBB organization any excess premiums and applicable premium surcharges paid during the three month adjustment period, except as indicated in WAC 182-31-120.

(b) If a SEBB subscriber, dependent, or beneficiary submits a written appeal as described in WAC 182-32-2010, ~~((showing proof))~~ and provides clear and convincing evidence of extraordinary circumstances ~~((beyond their control)),~~ such that ~~((it was effectively impossible to))~~ the subscriber could not timely submit the necessary information to accomplish an allowable enrollment change within sixty days after the event that created a change of premiums, the SEBB director, the SEBB director's designee, or the SEBB appeals unit may:

(i) Approve a refund of premiums and applicable premium surcharges that does not exceed twelve months of premiums; and

(ii) Approve the enrollment change that was originally requested and which forms the basis for the refund.

(c) If a federal government entity determines that an enrollee is retroactively enrolled in coverage (for example, medicare) the subscriber or beneficiary may be eligible for a refund of premiums and applicable premium surcharges paid during the time they were enrolled under the federal program if approved by SEBB director or the SEBB director's designee.

(d) HCA errors will be corrected by returning all excess premiums and applicable premium surcharges paid by the SEBB organization, subscriber, or beneficiary.

(e) SEBB organization errors will be corrected by returning all excess premiums and applicable premium surcharges paid by the school employee or beneficiary as described in WAC 182-30-060.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-050 What are the requirements regarding premium surcharges?** (1) A subscriber's account will incur a premium surcharge in addition to the subscriber's monthly medical premium, when any enrollee, thirteen years and older, engages in tobacco use.

(a) A subscriber must attest to whether any enrollee, thirteen years and older, enrolled in their school employees benefits board (SEBB) medical engages in tobacco use. The subscriber must attest as described in (a)(i) through ~~((i-v))~~ (v) of this subsection:

(i) A school employee who is newly eligible or regains eligibility for the employer contribution toward SEBB benefits must complete the required form to enroll in SEBB medical as described in WAC 182-30-080 (1) or (3). The school employee must include their attestation on ~~((the required))~~ that form. The school employee must submit the ~~((attestation))~~ form to their SEBB organization. If the school employee's attestation results in a premium surcharge, it will take effect the same date as SEBB medical begins;

(ii) If there is a change in the tobacco use status of any enrollee, thirteen years and older on the subscriber's SEBB medical, the subscriber must update their attestation on the required form. A school employee must submit the form to their SEBB organization. ~~((All other))~~ A subscriber((s)) on continuation coverage must submit their updated ((attestation)) form to the SEBB program((:)). The attestation change will apply as follows:

- A change that results in a premium surcharge will begin the first day of the month following the status change. If that day is the first of the month, the change to the surcharge begins on that day.

- A change that results in removing the premium surcharge will begin the first day of the month following receipt of the attestation. If that day is the first of the month, the change to the surcharge begins on that day.

(iii) If a subscriber submits the required form to enroll a dependent, thirteen years and older, in SEBB medical as described in WAC 182-31-150, the subscriber must attest for their dependent on the required form. A school employee must submit the form to their SEBB organization. ~~((All~~

~~other~~) A subscriber(s) on continuation coverage must submit their form to the SEBB program. A change that results in a premium surcharge will take effect the same date as SEBB medical begins; ~~((or))~~

(iv) An enrollee, thirteen years and older, who elects to continue medical coverage as described in WAC 182-31-090, must provide an attestation on the required form if they have not previously attested as described in (a) of this subsection. The enrollee must submit their ~~((updated))~~ form to the SEBB program. An attestation that results in a premium surcharge will take effect the same date as SEBB medical begins~~((:))~~; ~~or~~

(v) A school employee who previously waived SEBB medical must complete the required form to enroll in SEBB medical as described in WAC 182-31-080(3). The school employee must submit their attestation on that form. A school employee must submit the form to their SEBB organization. An attestation that results in a premium surcharge will take effect the same date as SEBB medical begins.

Note: A school employee who waives SEBB medical as described in WAC 182-31-080 is not required to provide an attestation and no premium surcharge will be applied to their account as long as the school employee remains in waived status.

(b) A subscriber's account will incur a premium surcharge when a subscriber fails to attest to the tobacco use status of all enrollees as described in (a) of this subsection.

(c) The SEBB program will provide ~~((a))~~ reasonable alternatives for enrollees who use tobacco products. A subscriber can avoid the tobacco use premium surcharge if the subscriber attests on the required form that all enrollees who use tobacco products enrolled in or accessed one of the applicable reasonable alternatives offered below:

(i) An enrollee who is eighteen years and older and uses tobacco products is currently enrolled in the free tobacco cessation program through their SEBB medical.

(ii) An enrollee who is thirteen through seventeen years old and uses tobacco products accessed the information and resources aimed at teens on the Washington state department of health's web site at <https://teen.smokefree.gov>.

(iii) A subscriber may contact the SEBB program to accommodate a physician's recommendation that addresses an enrollee's use of tobacco products or for information on how to avoid the tobacco use premium surcharge.

(2) A subscriber will incur a premium surcharge, in addition to the subscriber's monthly medical premium, if an enrolled spouse or state registered domestic partner ~~((elected))~~ has chosen not to enroll in another employer-based group medical where the spouse's or state registered domestic partner's share of the medical premium is less than ninety-five percent of the additional cost a school employee would be required to pay to enroll a spouse or state registered domestic partner in the public employees benefits board (PEBB) Uniform Medical Plan (UMP) Classic and the benefits have an actuarial value of at least ninety-five percent of the actuarial value of the PEBB UMP Classic's benefits.

(a) A subscriber who enrolled a spouse or state registered domestic partner under their SEBB medical may only attest during the following times:

(i) When a subscriber becomes eligible to enroll a spouse or state registered domestic partner in SEBB medical ~~((or during the annual open enrollment))~~ as described in WAC

182-31-150. The subscriber must complete the required form to enroll their spouse or state registered domestic partner, and include their attestation on that form. The school employee must submit the form to their SEBB organization. ~~((Any other))~~ A subscriber on continuation coverage must submit the form to the SEBB program. If the subscriber's attestation results in a premium surcharge it will take effect the same date as SEBB medical begins~~((:))~~.

~~((ii))~~ ~~((When a special open enrollment event occurs. The subscriber must submit the required form to enroll their spouse or state registered domestic partner in SEBB medical and include their attestation on the required form. A school employee must submit the form to their SEBB organization. Any other subscriber must submit the form to the SEBB program. If the subscriber's attestation results in a premium surcharge it will take effect the same date as SEBB medical begins;~~

~~((iii))~~ During the annual open enrollment. A subscriber must attest if during the month prior to the annual open enrollment the subscriber was:

- Incurring the surcharge;
- Not incurring the surcharge because the spouse's or state registered domestic partner's share of the medical premium through their employer-based group medical was more than ninety-five percent of the additional cost a school employee would be required to pay to enroll a spouse or state registered domestic partner in the PEBB UMP Classic; or
- Not incurring the surcharge because the actuarial value of benefits provided through the spouse's or state registered domestic partner's employer-based group medical was less than ninety-five percent of the actuarial value of the PEBB UMP Classic's benefits.

A subscriber must update their attestation on the required form. A school employee must submit ~~((an updated attestation))~~ the form to their SEBB organization. ~~((Any other))~~ A subscriber on continuation coverage must submit the form to the SEBB program. The subscriber's attestation or any correction to a subscriber's attestation must be received no later than December 31st of the year in which the annual open enrollment occurs. If the subscriber's attestation results in a premium surcharge, being added or removed, the change to the surcharge will take effect January 1st of the following year~~((and~~

~~((iv))~~.

~~((ii))~~ When there is a change in the spouse's or state registered domestic partner's employer-based group medical. A subscriber must update their attestation on the required form. A school employee must submit ~~((an updated attestation))~~ the form to their SEBB organization no later than sixty days after the spouse's or state registered domestic partner's employer-based group medical status changes. ~~((Any other))~~ A subscriber on continuation coverage must submit ~~((an updated attestation))~~ the form to the SEBB program no later than sixty days after the spouse's or state registered domestic partner's employer-based group medical status changes~~((:))~~.

• A change that results in a premium surcharge will begin the first day of the month following the status change. If that day is the first day of the month, the change to the premium surcharge begins on that day~~((:))~~.

• A change that results in removing the premium surcharge will begin the first day of the month following receipt of the attestation. If that day is the first day of the month, the change to the premium surcharge begins on that day.

- Exceptions:
- (1) A school employee who waives SEBB medical as described in WAC 182-31-080 is not required to provide an attestation and no premium surcharge will be applied to their account as long as the employee remains in waived status.
  - (2) A school employee who covers their spouse or state registered domestic partner who has waived their own SEBB medical must attest as described in this subsection, but a will not incur a premium surcharge if the school employee provides an attestation that their spouse or state registered domestic partner is eligible for SEBB coverage.
  - (3) A subscriber who covers their spouse or state registered domestic partner who elected not to enroll in a TRICARE plan must attest as described in this subsection, but will not incur a premium surcharge if the subscriber provides an attestation that their spouse or state registered domestic partner is eligible for a TRICARE plan.

(b) A premium surcharge will be applied to a subscriber who does not attest as described in (a) of this subsection.

#### NEW SECTION

**WAC 182-30-060 How do school employees benefits board (SEBB) organizations and contracted vendors correct enrollment errors?** (1) If a SEBB organization fails to provide notice of benefits eligibility or accurately enroll a school employee or their dependents in benefits, the error will be corrected prospectively with enrollment in benefits effective the first day of the month following the date the error is identified. The health care authority approves all error correction actions and determines if additional recourse, which may include retroactive enrollment, is warranted.

(2) If a SEBB organization errs and enrolls a school employee or their dependents in SEBB insurance coverage when they are not eligible and there was no fraud or intentional misrepresentation by the school employee involved, premiums and any applicable premium surcharges already paid by the school employee will be refunded by the SEBB organization to the school employee. The error will be corrected prospectively with termination of benefits effective the first day of the month following the date the error is identified.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-070 The employer contribution is set by the health care authority (HCA) and paid to the HCA for all eligible school employees.** School employees benefits board (SEBB) organizations must pay the employer contributions to the health care authority (HCA) for SEBB (~~insurance~~) benefits coverage for all eligible school employees and their dependents.

(1) Employer contributions are set by the HCA, and are subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that

purpose. The employer contribution for school employees eligible under RCW 41.05.740 (6)(e) are set by the HCA.

(2) Employer contributions must include an amount determined by the HCA to pay administrative costs to administer SEBB (~~insurance~~) benefits coverage for school employees.

(3) (~~Each~~) Eligible school employee of a SEBB organization on leave under the federal Family and Medical Leave Act (FMLA) is eligible for the employer contribution as described in WAC 182-31-110.

(4) The entire employer contribution is due and payable to HCA even if SEBB medical is waived as described in WAC 182-31-080, except for school employees eligible under WAC 182-30-130.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-075 Subscriber address requirements** (~~as part of participation in school employees benefits board (SEBB) benefits~~). (1) All school employees must provide their SEBB organization with their correct (~~mailing~~) address and (~~provide any~~) update(~~s as needed in the future~~) their address if it changes. (~~All other~~) A subscriber(~~s~~) on continuation coverage must provide the SEBB program with their correct (~~mailing~~) address and (~~provide any~~) updates to their (~~mailing~~) address if it changes.

(2) School employees who are appealing a decision to the school employees benefits board (SEBB) program must update their address as required in WAC 182-32-055.

#### NEW SECTION

**WAC 182-30-080 When must a newly eligible school employee, or a school employee who regains eligibility for the employer contribution, elect school employees benefits board (SEBB) benefits and complete required forms?** A school employee who is newly eligible or who regains eligibility for the employer contribution toward school employees benefits board (SEBB) benefits enrolls as described in this section.

(1) When a school employee is newly eligible for SEBB benefits:

(a) A school employee must complete the required forms indicating their enrollment elections, including an election to waive SEBB medical provided the school employee is eligible to waive SEBB medical and elects to waive as described in WAC 182-31-080. The required forms must be returned to the school employee's SEBB organization. Their SEBB organization must receive the forms no later than thirty-one days after the school employee becomes eligible for SEBB benefits under WAC 182-31-040.

(i) The school employee may enroll in supplemental life, supplemental accidental death and dismemberment (AD&D), and supplemental long-term disability (LTD) insurance up to the guaranteed issue without evidence of insurability if the required forms are returned to the school employee's SEBB organization or contracted vendor. The school employee may apply for enrollment in supplemental life, supplemental AD&D, and supplemental LTD insurance over the guaran-

teed issue at any time during the calendar year by submitting the required form to the contracted vendor for approval.

(ii) If the school employee is eligible to participate in the salary reduction plan (see WAC 182-31-060), the school employee will automatically enroll in the premium payment plan upon enrollment in SEBB medical allowing medical premiums to be taken on a pretax basis. To opt out of the premium payment plan, a new school employee must complete the required form and return it to their SEBB organization. The form must be received by their SEBB organization no later than thirty-one days after the employee becomes eligible for SEBB benefits.

(iii) If a school employee is eligible to participate in the salary reduction plan (see WAC 182-31-060), the school employee may enroll in the state's medical flexible spending arrangement (FSA) or dependent care assistance program (DCAP) or both, except as limited by subsection (4) of this section. To enroll in these supplemental SEBB benefits, the school employee must return the required form to their SEBB organization. The form must be received by the SEBB organization no later than thirty-one days after the school employee becomes eligible for SEBB benefits.

(b) If a newly eligible school employee's SEBB organization, or the authority's contracted vendor in the case of life insurance or accidental death and dismemberment (AD&D), does not receive the school employee's required forms indicating medical, dental, vision, life insurance, AD&D insurance, and LTD insurance elections, and the school employee's tobacco use status attestation within thirty-one days of the school employee becoming eligible, their enrollment will be as follows for those elections not received within thirty-one days:

- (i) A medical plan as determined by the health care authority (HCA);
- (ii) A dental plan as determined by the HCA;
- (iii) A vision plan as determined by the HCA;
- (iv) Basic life insurance;
- (v) Basic AD&D insurance;
- (vi) Basic LTD insurance;
- (vii) Dependents will not be enrolled; and
- (viii) A tobacco use surcharge will be incurred as described in WAC 182-30-050 (1)(b).

(2) The employer contribution toward SEBB benefits coverage ends according to WAC 182-31-050.

(3) When a school employee regains eligibility for the employer contribution toward SEBB benefits coverage following a period of leave (described in WAC 182-31-100(1)). SEBB medical, dental, and vision begin the first day of the month following the school employee's return to work as the SEBB organization anticipates the school employee is eligible for the employer contribution.

(a) The school employee must complete the required forms indicating their enrollment elections, including an election to waive SEBB medical if the school employee chooses to waive SEBB medical as described in WAC 182-31-080. The required forms must be returned to the school employee's SEBB organization except as described in (d) of this subsection. Forms must be received by the SEBB organization, life insurance contracted vendor, or AD&D con-

tracted vendor, if required, no later than thirty-one days after the school employee regains eligibility:

(i) A school employee who self-paid for supplemental SEBB life insurance coverage or SEBB AD&D insurance coverage after losing eligibility will have that level of coverage reinstated without evidence of insurability effective the first day of the month in which the school employee regains eligibility for the employer contribution toward SEBB benefits;

(ii) A school employee who was eligible to continue supplemental life or supplemental AD&D but discontinued that SEBB insurance coverage must submit evidence of insurability to the contracted vendor if they choose to reenroll when they regain eligibility for the employer contribution.

(b) A school employee does not have to return a form indicating supplemental LTD insurance elections. Their supplemental LTD insurance will be automatically reinstated effective the first day of the month they regain eligibility for the employer contribution toward SEBB benefits.

(c) If a school employee's SEBB organization, or contracted vendor accepting forms directly, does not receive the required forms within thirty-one days of the school employee's enrollment in SEBB, insurance coverage will be as described in subsection (1)(b)(i) through (v) and (vii) of this section.

(d) If a school employee is eligible to participate in the salary reduction plan (see WAC 182-31-060), the school employee may enroll in the medical FSA or DCAP or both, except as limited by subsection (4) of this section. To enroll in these supplemental SEBB benefits, the school employee must return the required form to the contracted vendor of their SEBB organization. The contracted vendor or school employee's SEBB organization must receive the form no later than thirty-one days after the school employee becomes eligible for SEBB benefits.

(4) If a school employee who is eligible to participate in the salary reduction plan (see WAC 182-31-060) is hired into a new position and that is anticipated to be eligible for SEBB benefits in the same year, the school employee may not resume participation in DCAP or medical FSA until the beginning of the next plan year, unless the time between employments is thirty days or less and within the current plan year. The school employee must notify the new SEBB organization of the transfer by providing the new SEBB organization the required form no later than thirty-one days after the employee's first day of work with the new SEBB organization.

(5) A school employee will have uninterrupted coverage when moving from one SEBB organization to another within the same month or a consecutive month if they are eligible for the employer contribution towards SEBB benefits in the position they are leaving and are anticipated to be eligible for the employer contribution in the new position. SEBB insurance coverage elections also remain the same when a school employee has a break in employment that does not interrupt their employer contribution toward SEBB insurance coverage.

(6) A school employee returning to the same SEBB organization who is anticipated to work at least six hundred thirty hours in the coming school year, and who was receiving the

employer contribution in August of the prior school year, will receive uninterrupted coverage from one school year to the next.

#### NEW SECTION

**WAC 182-30-081 School employees benefits board (SEBB) first annual open enrollment.** (1) During the SEBB first annual open enrollment a school employee who is eligible for the employer contribution must:

(a) Complete the required forms indicating their enrollment elections, including an election to waive SEBB medical and elects to waive as described in WAC 182-31-080 (1)(b). Their SEBB organization must receive the required forms no later than the last day of the first SEBB annual open enrollment.

(b) Enroll in supplemental life, supplemental AD&D, and supplemental LTD insurance if they want to purchase up to the guaranteed issue amount without providing evidence of insurability. Their SEBB organization, or contracted vendor, must receive the forms no later than the last day of the first SEBB annual open enrollment. A school employee may apply for enrollment in supplemental life, supplemental AD&D, and supplemental LTD insurance over the guaranteed issue at any time during the calendar year by submitting the required form and providing evidence of insurability to the contracted vendor for approval.

(c) If eligible to participate in the salary reduction plan (see WAC 182-31-060), elect participation in the medical flexible spending account (FSA) or the dependent care assistance program (DCAP) if they want to participate in those SEBB benefits for the 2020 calendar year. The contracted vendor must receive the school employee's election no later than the last day of the first SEBB annual open enrollment.

(d) Be automatically enrolled in the premium payment plan upon enrollment in SEBB medical so school employee medical premiums are taken on a pretax basis. To opt out of the premium payment plan, a school employee must complete the required form and return it to their SEBB organization no later than the end of SEBB first annual open enrollment.

(e) Complete the surcharge attestation requirements in WAC 182-30-050.

(f) If the school employee wants to enroll dependents eligible under WAC 182-31-140. The school employee must follow the requirements in WAC 182-30-150(5).

(2) If a school employee's SEBB organization does not receive the self-pay subscribers required forms indicating medical, dental, vision, life insurance, and LTD insurance elections, and the school employee's tobacco use status attestation by the end of open enrollment, their enrollment will be as follows for those elections not received:

- (a) A medical plan as determined by the health care authority (HCA);
- (b) A dental plan as determined by the HCA;
- (c) A vision plan as determined by the HCA;
- (d) Basic life insurance;
- (e) Basic AD&D insurance;
- (f) Basic LTD insurance;
- (g) Dependents will not be enrolled; and

(h) A tobacco use surcharge will be incurred as described in WAC 182-30-050 (1)(b).

#### NEW SECTION

**WAC 182-30-085 What happens if my health plan becomes unavailable due to a change in contracted service area or eligibility for medicare?** (1) A subscriber must select a new health plan during the school employees benefits board (SEBB) annual open enrollment period when their previously selected health plan becomes unavailable due to a change in contracting service area. The required forms must be received no later than the last day of the annual open enrollment.

(a) A school employee must submit the required form to their SEBB organization electing their new health plan.

(b) A subscriber on continuation coverage must submit the required forms to the SEBB program electing their new health plan.

(c) The effective date of the change in their health plan will be January 1st of the following year.

(2) A subscriber who fails to elect a new health plan within the required time period as required in subsection (1) of this section will be enrolled in a health plan designated by the director or their designee.

(3) A subscriber must elect a new health plan when their previously selected health plan becomes unavailable due to the subscriber or subscriber's dependent ceasing to be eligible for their current health plan because of enrollment in medicare. The required forms must be received no later than sixty days after the date the health plan becomes unavailable.

(a) A school employee must submit the required forms to their employing agency electing their new health plan.

(b) A subscriber on continuation coverage must submit the required forms to the SEBB program electing their new health plan.

(c) The effective date of the change in their health plan will be the first day of the month following the later of the date the health plan becomes unavailable or the date the form is received. If that day is the first of the month, the change in the health plan begins on that day.

(4) A subscriber who fails to elect a new health plan within the required time period as required in subsection (3) of this section who is enrolled in a high deductible health plan (HDHP) with a health savings account (HSA), will not be eligible to receive contributions to the HSA, and will be liable for any tax penalties resulting from contributions made when they are no longer eligible.

(5) A subscriber enrolled in a health plan as described in subsection (2) or (4) of this section may not change health plans except as allowed in WAC 182-30-090.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-090 When may a subscriber change health plans?** A subscriber((s)) may change health plans at the following times:

(1) **During the annual open enrollment:** A subscriber((s)) may change health plans during the school employees benefits board (SEBB) annual open enrollment

period. The subscriber must submit the required enrollment forms to change their health plan. A school employee submits the enrollment forms to their SEBB organization. ~~((All other))~~ A subscriber((s)) on continuation coverage submits the enrollment forms to the SEBB program. The required enrollment forms must be received no later than the last day of the annual open enrollment. Enrollment in the new health plan will begin January 1st of the following year.

(2) **During a special open enrollment:** A subscriber((s)) may revoke their health plan election and make a new election outside of the annual open enrollment if a special open enrollment event occurs. A special open enrollment event must be an event other than an employee gaining initial eligibility for SEBB benefits. The change in enrollment must be allowable under Internal Revenue Code (IRC) and Treasury regulations, and correspond to and be consistent with the event that creates the special open enrollment for the subscriber, the subscriber's dependent, or both. To make a health plan change, the subscriber must submit the required enrollment forms. The forms must be received no later than sixty days after the event occurs. A school employee submits the enrollment forms to their SEBB organization. ~~((All other))~~ A subscriber((s)) on continuation coverage submits the enrollment forms to the SEBB program. In addition to the required forms, a subscriber((s)) must provide evidence of the event that created the special open enrollment. New health plan coverage will begin the first day of the month following the ~~((later))~~ later of the event date or the date the form is received. If that day is the first of the month, the change in enrollment begins on that day. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, health plan coverage will begin the month in which the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption occurs. Any one of the following events may create a special open enrollment:

(a) Subscriber acquires a new dependent due to:

(i) Marriage or registering a state registered domestic partnership;

(ii) Birth, adoption, or when the subscriber has assumed a legal obligation for total or partial support in anticipation of adoption; or

(iii) A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(b) Subscriber or a subscriber's dependent loses other coverage under a group health plan or through health insurance coverage, as defined by the Health Insurance Portability and Accountability Act (HIPAA);

(c) Subscriber has a change in employment status that affects the subscriber's eligibility for the employer contribution toward their employer-based group health plan;

(d) The subscriber's dependent has a change in their own employment status that affects their eligibility for the employer contribution under their employer-based group health plan;

~~((Exception\*))~~ Note: ~~((For the purposes of))~~ As used in (d) of this subsection special open enrollment "employer contribution" means contributions made by the dependent's current or former employer toward health coverage as described in Treasury Regulation 26 C.F.R. 54.9801-6.

(e) Subscriber or a subscriber's dependent has a change in residence that affects health plan availability. If the subscriber moves and the subscriber's current health plan is not available in the new location the subscriber must select a new health plan, otherwise there will be limited network providers and covered services;

Exception: A dental plan is considered available if a provider is available within 50 miles of the new address.

(f) A court order requires the subscriber or any other individual to provide insurance coverage for an eligible dependent of the subscriber (a former spouse or former state registered domestic partner is not an eligible dependent);

(g) Subscriber or a subscriber's dependent becomes entitled to coverage under medicaid or a state children's health insurance program (CHIP), or the subscriber or a subscriber's dependent loses eligibility for coverage under medicaid or CHIP;

(h) Subscriber or a subscriber's dependent becomes eligible for state premium assistance subsidy for SEBB health plan coverage from medicaid or CHIP;

(i) Subscriber or a subscriber's dependent's current health plan becomes unavailable because the subscriber or enrolled dependent is no longer eligible for a health savings account (HSA). The authority may require evidence that the subscriber or subscriber's dependent is no longer eligible for an HSA;

(j) Subscriber or a subscriber's dependent experiences a disruption of care for active and ongoing treatment that could function as a reduction in benefits for the subscriber or the subscriber's dependent ~~((for a specific condition or ongoing course of treatment))~~. The subscriber may not change their health plan election if the subscriber's or dependent's physician stops participation with the subscriber's health plan unless the SEBB program determines that a continuity of care issue exists. The SEBB program will consider but not limit its consideration to the following:

(i) Active cancer treatment such as chemotherapy or radiation therapy ~~((for up to ninety days or until medically stable))~~;

(ii) Treatment following a recent organ transplant ~~((within the last twelve months))~~;

(iii) A scheduled surgery ~~((within the next sixty days (elective procedures within the next sixty days do not qualify for continuity of care)))~~;

(iv) Recent major surgery still within the postoperative period ~~((of up to eight weeks))~~; or

(v) ~~((Third trimester of))~~ Treatment for a high-risk pregnancy.

(3) If the school employee is having premiums taken from payroll on a pretax basis, a health plan change will not be approved if it would conflict with provisions of the salary reduction plan authorized under RCW 41.05.300.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-100** When may a ~~((subscriber))~~ school employee enroll or revoke an election and make a new election under the premium payment plan, medical flexible spending arrangement (FSA), or dependent care

**assistance program (DCAP)?** A ~~((subscriber))~~ school employee who is eligible to participate in the salary reduction plan as described in WAC 182-31-060 may enroll, or revoke their election and make a new election under the premium payment plan, medical flexible spending arrangement (FSA), or dependent care assistance program (DCAP) at the following times:

(1) When newly eligible under WAC 182-31-040 and enrolling as described in WAC 182-30-080(1).

(2) **During annual open enrollment:** An eligible ~~((subscriber))~~ school employee may elect to enroll in or opt out of ~~((their))~~ participation under the premium payment plan during the annual open enrollment ~~(; school employees submit)~~ by submitting the required form to their school employees benefits board (SEBB) organization ~~((; all other subscribers submit the form to the health care authority (HCA)))~~. An eligible ~~((subscriber))~~ school employee may elect to enroll or reenroll in the medical FSA, DCAP, or both during the annual open enrollment by submitting the required forms to their SEBB organization, the HCA or applicable contracted vendor as instructed. All required forms must be received no later than the last day of the annual open enrollment. The enrollment or new election becomes effective January 1st of the following year.

**Note:** ~~((Subscribers))~~ School employees enrolled in a ~~((consumer-directed))~~ high deductible health plan ((CDHP)) (HDHP) with a health savings account (HSA) cannot also enroll in a medical FSA in the same plan year. ~~((Subscribers))~~ School employees who elect both will only be enrolled in the ~~((CDHP))~~ HDHP with a HSA.

(3) **During a special open enrollment:** A ~~((subscriber))~~ school employee who is eligible to participate in the salary reduction plan may enroll or revoke their election and make a new election under the premium payment plan, medical FSA, or DCAP outside of the annual open enrollment if a special open enrollment event occurs. The enrollment or change in election must be allowable under Internal Revenue Code (IRC) and Treasury regulations, and correspond to and be consistent with the event that creates the special open enrollment. To make a change or enroll, the school employee must submit the required form ~~((s))~~ to their SEBB organization ~~((; all other subscribers must submit the required forms to HCA))~~. The SEBB organization ~~((or HCA))~~ must receive the required form and evidence of the event that created the special open enrollment no later than sixty days after the event occurs.

For purposes of this section, an eligible dependent includes any person who qualifies as a dependent of the school employee for tax purposes under IRC 26 U.S.C. Sec. 152 without regard to the income limitations of that section. It does not include a state registered domestic partner unless the state registered domestic partner otherwise qualifies as a dependent for tax purposes under IRC 26 U.S.C. Sec. 152.

(a) **Premium payment plan.** A ~~((subscriber))~~ school employee may enroll or revoke their election and elect to opt out of the premium payment plan when any of the following special open enrollment events occur, if the requested change corresponds to and is consistent with the event. The enrollment or election to opt out will be effective the first day of the month following the ~~((latter))~~ later of the event date or the

date the required form is received. If that day is the first of the month, the enrollment or change in election begins on that day. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, the enrollment or change in election will begin the first of the month in which the event occurs.

(i) ~~((Subscriber))~~ School employee acquires a new dependent due to:

- Marriage;
- Registering a state registered domestic partnership when the dependent is a tax dependent of the ~~((subscriber))~~ school employee;
- Birth, adoption, or when the ~~((subscriber))~~ school employee has assumed a legal obligation for total or partial support in anticipation of adoption; or
- A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(ii) ~~((Subscriber's))~~ School employee's dependent no longer meets SEBB eligibility criteria because:

- ~~((Subscriber))~~ School employee has a change in marital status;
- ~~((Subscriber's))~~ School employee's domestic partnership with a state registered domestic partner who is a tax dependent is dissolved or terminated;
- An eligible dependent child turns age twenty-six or otherwise does not meet dependent child eligibility criteria;
- An eligible dependent ceases to be eligible as an extended dependent or as a dependent with a disability; or
- An eligible dependent dies.

(iii) ~~((Subscriber))~~ School employee or a ~~((subscriber's))~~ school employee's dependent loses other coverage under a group health plan or through health insurance coverage, as defined by Health Insurance Portability and Accountability Act (HIPAA);

(iv) ~~((Subscriber))~~ School employee has a change in employment status that affects the ~~((subscriber's))~~ school employee's eligibility for their employer contribution toward their ~~((employer's))~~ employer-based group health plan;

(v) The ~~((subscriber's))~~ school employee's dependent has a change in their own employment status that affects their eligibility for the employer contribution toward their employer-based group health plan;

**Exception:** For the purposes of special open enrollment, "employer contribution" means contributions made by the dependent's current or former employer toward health coverage as described in Treasury Regulation 26 C.F.R. 54.9801-6.

(vi) ~~((Subscriber))~~ School employee or a ~~((subscriber's))~~ school employee's dependent has a change in enrollment under an employer-based group health plan during its annual open enrollment that does not align with the SEBB annual open enrollment;

(vii) ~~((Subscriber))~~ School employee or a ~~((subscriber's))~~ school employee's dependent has a change in residence that affects health plan availability;

(viii) ~~((Subscriber's))~~ School employee's dependent has a change in residence from outside of the United States to within the United States, or from within the United States to



outside of the United States, and that change in residence resulted in the dependent losing their health insurance;

(ix) A court order requires the ((subscriber)) school employee or any other individual to provide insurance coverage for an eligible dependent of the ((subscriber)) school employee (a former spouse or former state registered domestic partner is not an eligible dependent);

(x) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent becomes entitled to coverage under medicaid or a state children's health insurance program (CHIP), or the ((subscriber)) school employee or a ((subscriber's)) school employee's dependent loses eligibility for coverage under medicaid or CHIP;

(xi) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent becomes eligible for state premium assistance subsidy for SEBB health plan coverage from medicaid or CHIP;

(xii) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent becomes entitled to coverage under medicare or the ((subscriber)) school employee or a ((subscriber's)) school employee's dependent loses eligibility for coverage under medicare;

(xiii) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent's current health plan becomes unavailable because the school employee or enrolled dependent is no longer eligible for a HSA. The HCA may require evidence that the ((subscriber)) school employee or a ((subscriber's)) school employee's dependent is no longer eligible for a HSA;

(xiv) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent experiences a disruption of care for active and ongoing treatment, that could function as a reduction in benefits for the ((subscriber)) school employee or a ((subscriber's)) school employee's dependent ((for a specific condition or ongoing course of treatment)). The ((subscriber)) school employee may not change their health plan election if the ((subscriber's)) school employee's or dependent's physician stops participation with the ((subscriber's)) school employee's health plan unless the SEBB program determines that a continuity of care issue exists. The SEBB program will consider but not limit its consideration to the following:

- Active cancer treatment such as chemotherapy or radiation therapy ((for up to ninety days or until medically stable));
- Treatment following a recent organ transplant ((within the last twelve months));
- A scheduled surgery ((within the next sixty days (elective procedures within the next sixty days do not qualify for continuity of care)));
- Recent major surgery still within the postoperative period ((of up to eight weeks)); or
- ((Third trimester of)) Treatment for a high-risk pregnancy.

(xv) ((Subscriber or a subscriber's)) School employee or school employee's dependent becomes eligible and enrolls in a TRICARE plan, or loses eligibility for a TRICARE plan.

If the subscriber is having premiums taken from payroll on a pretax basis, a plan change will not be approved if it

would conflict with provisions of the salary reduction plan authorized under RCW 41.05.300.

(b) **Medical FSA.** A ((subscriber)) school employee may enroll or revoke their election and make a new election under the medical FSA when any one of the following special open enrollment events occur, if the requested change corresponds to and is consistent with the event. The enrollment or new election will be effective the first day of the month following the ((later)) later of the event date or the date the required form and evidence of the event that created the special open enrollment is received by the SEBB organization ((or the HCA)). If that day is the first of the month, the enrollment or change in election begins on that day. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, the enrollment or change in election will begin the first of the month in which the event occurs.

(i) ((Subscriber)) School employee acquires a new dependent due to:

- Marriage;
- Registering a state registered domestic partnership ((if the state registered domestic partner qualifies as)) when the dependent is a tax dependent of the ((subscriber)) school employee;
- Birth, adoption, or when the ((subscriber)) school employee has assumed a legal obligation for total or partial support in anticipation of adoption; or
- A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(ii) ((Subscriber's)) School employee's dependent no longer meets SEBB ((subscriber or)) eligibility criteria because:

- School employee has a change in marital status;
- ((Subscriber's)) School employee's domestic partnership with a state registered domestic partner who qualifies as a tax dependent is dissolved or terminated;
- An eligible dependent child turns age twenty-six or otherwise does not meet dependent child eligibility criteria;
- An eligible dependent ceases to be eligible as an extended dependent or as a dependent with a disability; or
- An eligible dependent dies.

(iii) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent loses other coverage under a group health plan or through health insurance coverage, as defined by HIPAA;

(iv) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent has a change in employment status that affects the school employee's or a dependent's eligibility for the medical FSA;

(v) A court order requires the ((subscriber)) school employee or any other individual to provide insurance coverage for an eligible dependent of the ((subscriber)) school employee (a former spouse or former state registered domestic partner is not an eligible dependent);

(vi) ((Subscriber)) School employee or a ((subscriber's)) school employee's dependent becomes entitled to coverage under medicaid or CHIP, or the school employee or a school employee's dependent loses eligibility for coverage under medicaid or CHIP;

(vii) ~~((Subscriber))~~ School employee or a ~~((subscriber's))~~ school employee's dependent becomes entitled to coverage under medicare.

(c) **DCAP.** A ~~((subscriber))~~ school employee may enroll or revoke their election and make a new election under the DCAP when any one of the following special open enrollment events occur, if the requested change corresponds to and is consistent with the event. The enrollment or new election will be effective the first day of the month following the ~~((later))~~ later of the event date or the date the required form and evidence of the event that created the special open enrollment is received by the SEBB organization ~~((or the HCA))~~. If that day is the first of the month, the enrollment or change in election begins on that day. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, the enrollment or change in election will begin the first of the month in which the event occurs.

(i) ~~((Subscriber))~~ School employee acquires a new dependent due to:

- Marriage;
- Registering a domestic partnership if the state registered domestic partner qualifies as a tax dependent of the ~~((subscriber))~~ school employee;
- Birth, adoption, or when the ~~((subscriber))~~ school employee has assumed a legal obligation for total or partial support in anticipation of adoption; or
- A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(ii) ~~((Subscriber))~~ School employee or a ~~((subscriber's))~~ school employee's dependent has a change in employment status that affects the school employee's or a dependent's eligibility for DCAP;

(iii) ~~((Subscriber or a subscriber's))~~ School employee or school employee's dependent has a change in enrollment under an employer-based group health plan during its annual open enrollment that does not align with the SEBB annual open enrollment;

(iv) ~~((Subscriber))~~ School employee changes dependent care provider; the change to the DCAP election amount can reflect the cost of the new provider;

(v) ~~((Subscriber or a subscriber's))~~ School employee or school employee's spouse experiences a change in the number of qualifying individuals as defined in IRC 26 U.S.C. Sec. 21 (b)(1);

(vi) ~~((Subscriber))~~ School employee's dependent care provider imposes a change in the cost of dependent care; ~~((subscriber))~~ school employee may make a change in the DCAP election amount to reflect the new cost if the dependent care provider is not a qualifying relative of the ~~((subscriber))~~ school employee as defined in IRC 26 U.S.C. Sec. 152.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-30-120 Advertising or promotion of school employees benefits board (SEBB) benefit plans.** (1) In order to assure equal and unbiased representation of school

employees benefits board (SEBB) benefits, contracted vendors must comply with all of the following:

(a) All materials describing SEBB benefits must be prepared by or approved by the health care authority (HCA) before use.

(b) Distribution or mailing of all benefit descriptions must be performed by or under the direction of the HCA.

(c) All media announcements or advertising by a contracted vendor which includes any mention of the "school employees benefits board," "SEBB," "health care authority," "HCA," any reference to benefits for "school employees," or any group of enrollees covered by SEBB benefits, must receive the advance written approval of the HCA.

(2) Failure to comply with any or all of these requirements by a SEBB contracted vendor or subcontractor may result in contract termination by the ~~((authority))~~ HCA, refusal to continue or renew a contract with the noncomplying party, or both.

#### NEW SECTION

**WAC 182-30-130 What are the requirements for a school employees benefits board (SEBB) organization engaging in local negotiations regarding SEBB benefits eligibility criteria?** This section describes the terms and conditions for a school employees benefits board (SEBB) organization that is engaging in local negotiations regarding eligibility for school employees as described in RCW 41.05.740 (6)(e).

(1) A SEBB organization must provide a current ratified collective bargaining agreement (CBA) and information on all eligible school employees under the CBA to the health care authority (HCA) by the start of the school year.

(2) A SEBB organization must offer all of, and only, the following SEBB benefits to employees and their dependents:

- (a) Medical (includes the wellness incentive);
- (b) Dental;
- (c) Vision;
- (d) Basic life;
- (e) Basic accidental death and dismemberment (AD&D) insurance.

(3) A SEBB organization must provide an employer contribution as described below:

(a) The subscriber-only employer medical contribution (EMC) amount for school employees eligible under RCW 41.05.740 (6)(d) multiplied by the premium tier ratio associated with the enrollment tier selected by the school employee;

(b) One hundred percent of the cost for the school employee dental plan multiplied by the enrollment tier selected by the school employee;

(c) One hundred percent of the cost for the school employee vision plan multiplied by the enrollment tier selected by the school employee;

(d) One hundred percent of the cost for basic life and accidental death and dismemberment (AD&D) insurance;

(e) One hundred percent of the cost of the administrative fee charged by the HCA; and

(f) One hundred percent of the monthly K-12 remittance for deposit in the retired school employees' subsidy account.

(4) A SEBB organization providing SEBB benefits as described in this section may do so by group as described in (a) through (d) of this subsection:

- (a) The entire SEBB organization;
- (b) A entire collective bargaining unit;
- (c) A group containing all nonrepresented school employees; or

(d) A combination of (b) and (c) of this subsection.

(5) A SEBB organization must establish a threshold of anticipated work hours no less than one hundred eighty hours and no more than the minimum hours to meet SEBB eligibility under WAC 182-31-040 within a school year.

(6) All of the rules in chapters 182-30, 182-31, and 182-32 WAC apply, except for all rules governing SEBB benefits that are not available to school employees whose eligibility is established under this section. The following benefits are not available to school employees whose eligibility is established under this section:

- (a) Long-term disability (LTD);
- (b) Medical flexible spending arrangement (FSA);
- (c) Dependent care assistance program (DCAP); and
- (d) Supplemental life insurance.

(7) If a school employee waives medical under this section, there is no requirement to send the employer contribution to the HCA as required in WAC 182-30-070(4).

(8) Eligibility determinations must align with the SEBB program's status as a governmental plan under Section 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA) as amended. This means the SEBB organization may only consider school employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities, whether or not those activities qualify as essential governmental functions to be eligible.

(9) A SEBB organization providing SEBB benefits to a group of school employees under this section must notify the SEBB program each time the CBA is renegotiated.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-010 Purpose.** The purpose of this chapter is to establish school employees benefits board (SEBB) eligibility criteria for and the effective date of enrollment in SEBB approved benefits. The rules within this chapter are applicable for school employees eligible for SEBB benefits under RCW 41.05.740(6)((d)(i)). This chapter does not address where a SEBB organization has locally negotiated to offer SEBB benefits to school employees who are anticipated to work less than six hundred thirty hours in a school year as authorized in RCW 41.05.740 (6)(e)).

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-020 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates another meaning:

"Accidental death and dismemberment insurance" or "AD&D" means basic accidental death and dismemberment (AD&D) insurance paid for by the SEBB organization, as

well as supplemental accidental death and dismemberment insurance offered to and paid for by school employees for themselves and their dependents.

"Annual open enrollment" means ~~((a once yearly))~~ an annual event set aside for a period of time by the HCA when subscribers may make changes to their health plan enrollment and salary reduction elections for the following plan year. During the annual open enrollment, subscribers may transfer from one health plan to another, enroll or remove dependents from coverage, or enroll in coverage, or waive enrollment in SEBB medical. School employees ~~((participating))~~ eligible to participate in the salary reduction plan may enroll in or change their election under the dependent care assistance program (DCAP), ~~((and))~~ or the medical flexible spending arrangement (FSA). They may also enroll in or opt out of the premium payment plan.

"Authority" or "HCA" means the Washington state health care authority.

"Calendar days" or "days" means all days including Saturdays, Sundays, and all state legal holidays as set forth in RCW 1.16.050.

"Consolidated Omnibus Budget Reconciliation Act" or "COBRA" means continuation coverage as administered under 42 U.S.C. Secs. 300bb-1 through 300bb-8.

"Continuation coverage" means the temporary continuation of health plan coverage available to enrollees under the Consolidated Omnibus Budget Reconciliation Act (COBRA), 42 U.S.C. Secs. 300bb-1 through 300bb-8, the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Secs. 4301 through 4335, or SEBB ~~((board))~~ policies.

"Contracted vendor" means any person, persons, or entity under contract or agreement with the HCA to provide goods or services for the provision or administration of SEBB benefits. The term "contracted vendor" includes subcontractors of the HCA and subcontractors of any person, persons, or entity under contract or agreement with the HCA that provide goods or services for the provision or administration of SEBB benefits.

"Dependent" means a person who meets eligibility requirements in WAC 182-31-140.

"Dependent care assistance program" or "DCAP" means a benefit plan whereby school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 129 or other sections of the Internal Revenue Code.

"Director" means the director of the authority.

~~((Disability insurance" includes any basic long term disability insurance paid for by the school employees benefits board (SEBB) organization and any supplemental long term disability or supplemental short term disability paid for by the employee.))~~

"Documents" means papers, letters, writings, electronic mail, electronic files, or other printed or written items. ~~((Documents include evidence needed to verify eligibility for SEBB benefits and complete the enrollment process.))~~

"Effective date of enrollment" means the first date when an enrollee is entitled to receive covered benefits.

"Employer-based group health plan" means group medical, group vision, and group dental related to a current employment relationship. It does not include medical, vision, or dental coverage available to retired employees, individual market medical or dental coverage, or government-sponsored programs such as medicare or medicaid.

"Employer contribution" means the funding amount paid to the HCA by a school employees benefits board (SEBB) organization for its eligible school employees as described under WAC ((182-31-060)) 182-30-130 and 182-31-040.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-31 WAC or WAC 182-30-130, who is enrolled in school employees benefits board (SEBB) benefits, and for whom applicable premium payments have been made.

"Forms" or "form" means both paper forms and forms completed electronically.

"Health plan" means a plan offering medical, vision, dental, or any combination of these coverages, developed by the ~~((school employees benefits board))~~ SEBB and provided by a contracted vendor or self-insured plans administered by the HCA.

"Layoff," for purposes of this chapter, means a change in employment status due to a SEBB organization lack of funds or a SEBB organization's organizational change.

"Life insurance" ~~((for eligible school employees includes any))~~ means basic life insurance ~~((and accidental death and dismemberment (AD&D) insurance))~~ paid for by ~~((the school employees benefits board (SEBB)))~~ SEBB organization, as well as supplemental life insurance ~~((and supplemental AD&D insurance))~~ offered to and paid for by school employees for themselves and their dependents.

"LTD insurance" or "long-term disability insurance" ~~((includes))~~ means any basic long-term disability insurance paid for by the ~~((school employees benefits board (SEBB)))~~ SEBB organization and ~~((any))~~ supplemental long-term disability insurance offered to and paid for by the school employee.

"Medical flexible spending arrangement" or "medical FSA" means a benefit plan whereby eligible school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan established under ~~((this))~~ chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"Plan year" means the time period established by the authority.

"Premium payment plan" means a benefit plan whereby school employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code. ~~((Chapter 41.05 RCW))~~

"Premium surcharge" means a payment required from a subscriber, in addition to the subscriber's medical premium contribution, due to an enrollee's tobacco use or an enrolled subscriber's spouse or state registered domestic partner choosing not to enroll in their employer-based group medical when:

- The spouse's or state registered domestic partner's share of the medical premium is less than ninety-five percent of the additional cost an employee would be required to pay to enroll a spouse or state registered domestic partner in the public employees benefits board (PEBB) Uniform Medical Plan (UMP) Classic; and

- The benefits have an actuarial value of at least ninety-five percent of the actuarial value of PEBB UMP Classic benefits.

"Public employees benefits board" or "PEBB" means the board established under RCW 41.05.055.

"Salary reduction plan" means a benefit plan whereby school employees may agree to a reduction of salary on a pre-tax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"School employee" means:

- All employees of school districts ~~((educational service districts,))~~ and charter schools established under chapter 28A.710 RCW;

- Represented employees of educational service districts; and

- Effective January 1, 2024, all employees of educational service districts.

"School employees benefits board organization" or "SEBB organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that is required to participate in benefit plans provided by the school employees benefits board.

"School year" means school year as defined in RCW 28A.150.203(11).

"SEBB" means the school employees benefits board established in RCW 41.05.740.

"SEBB benefits" means one or more insurance coverages or other school employee benefits administered by the SEBB program within the HCA.

"SEBB insurance coverage" means any health plan, life insurance, ~~((or))~~ accidental death and dismemberment insurance, or long-term disability insurance administered as a SEBB benefit.

"SEBB program" means the program within the HCA that administers insurance and other benefits for eligible school employees (as described in WAC 182-31-040 or 182-30-130) and eligible dependents (as described in WAC 182-31-140).

"Special open enrollment" means a period of time when subscribers may make changes to their health plan enrollment and salary reduction elections outside of the annual open enrollment period when specific life events occur. During the special open enrollment subscribers may change health plans and enroll or remove dependents from coverage. Additionally, school employees may enroll in or waive enrollment in SEBB medical. School employees eligible to participate in the salary reductions plan may enroll in or revoke their election under the DCAP, medical FSA, or the premium payment plan and make a new election. For special open enrollment events related to specific SEBB benefits, see WAC 182-30-090, 182-30-100, 182-31-080, and 182-31-150.

"State registered domestic partner" has the same meaning as defined in RCW 26.60.020(1) and substantially equivalent legal unions from other jurisdictions as defined in RCW 26.60.090.

"Subscriber" means the school employee or continuation coverage enrollee who has been determined eligible by the SEBB program or SEBB organizations, is enrolled in SEBB benefits, and is the individual to whom the SEBB program and contracted vendors will issue all notices, information, requests, and premium bills on behalf of an enrollee.

"Supplemental coverage" means any life insurance, accidental death and dismemberment (AD&D) insurance coverage, or long-term disability coverage purchased by the school employee in addition to the coverage provided by the school employees benefits board (SEBB) organization.

"Tobacco products" means any product made with or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, and other tobacco products. It does not include e-cigarettes or United States Food and Drug Administration (FDA) approved quit aids.

"Tobacco use" means any use of tobacco products within the past two months. Tobacco use, however, does not include the religious or ceremonial use of tobacco.

"Waive" means an eligible school employee affirmatively declining enrollment in a SEBB health plan because the school employee is enrolled in other employer-based group medical, TRICARE plans, or medicare as allowed under WAC 182-31-080.

"Week" means a seven-day period starting on Sunday and ending on Saturday.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-030 What are the obligations of a school employees benefits board (SEBB) organization in the application of school employee eligibility?** (1) All school employees benefits board (SEBB) organizations must carry out all actions, policies, and guidance issued by the SEBB program which are necessary for the operation of benefit plans, education ~~((about benefits for))~~ of school employees, claims administration, and appeals ~~((processing))~~ process including those described in chapters 182-30, 182-31, and 182-32 WAC. SEBB organizations must:

(a) Use the methods provided by the SEBB program to determine eligibility and enrollment in benefits;

(b) Provide eligibility determination reports with content and in a format designed and communicated by the SEBB program;

(c) Support SEBB program auditing of eligibility and enrollment decisions as needed; and

(d) Carry out corrective action and pay any penalties imposed by the health care authority (HCA) and established by the SEBB when the SEBB organization's eligibility determinations fail to comply with the criteria under these rules.

(2) SEBB organizations must determine school employee ~~((and their dependents))~~ eligibility for SEBB bene-

fits and the employer contribution according to the criteria in WAC 182-31-040 and 182-31-050. SEBB organizations must:

(a) Notify newly hired school employees of SEBB program rules and guidance for eligibility and appeal rights;

(b) Inform a school employee in writing whether or not they are eligible for SEBB benefits upon employment. The written communication must include information about the school employee's right to appeal eligibility and enrollment decisions;

(c) Routinely monitor all school employees work hours to establish eligibility and maintain the employer contribution toward SEBB ~~((insurance))~~ benefits coverage;

(d) Identify when a previously ineligible school employee becomes eligible or a previously eligible school employee loses eligibility; and

(e) Inform a school employee in writing whether or not they are eligible for benefits and the employer contribution whenever there is a change in work patterns such that the school employee's eligibility status changes. ~~((At the same time))~~ Whenever this occurs, SEBB organizations must inform the school employee((s)) of the right to appeal eligibility and enrollment decisions.

(3) SEBB organizations must determine school employee's dependents eligibility for SEBB benefits according to the criteria in WAC 182-31-140.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-040 How do school employees establish eligibility for the employer contribution toward school employees benefits board (SEBB) benefits and when ~~((does))~~ do SEBB ~~((insurance))~~ benefits coverage begin?**

(1) Eligibility shall be determined solely by the criteria that most closely describes the school employee's work circumstance.

(2) ~~((All hours worked by an employee in their capacity as a school employee must be included in the calculation of hours for determining eligibility.~~

~~((3)))~~ School employee eligibility criteria:

(a) A school employee is eligible for the employer contribution towards school employees benefits board (SEBB) benefits if they are anticipated to work at least six hundred thirty hours per school year. The eligibility effective date for a school employee eligible under this subsection shall be determined as follows:

(i) If the school employee's first day of work is on or after September 1st but not later than the first day of school for the current school year as established by the SEBB organization, they are eligible for the employer contribution on the first day of work; or

(ii) If the school employee's first day of work is at any other time during the school year, they are eligible for the employer contribution on that day.

(b) A school employee who is not anticipated to work at least six hundred thirty hours ~~((per))~~ in the school year becomes eligible for the employer contribution towards SEBB benefits on the date their work pattern is revised in

such a way that they are now anticipated to work six hundred thirty hours in the school year.

(c) A school employee who is not anticipated to work at least six hundred thirty hours in the school year becomes eligible for the employer contribution towards SEBB benefits on the date they actually worked six hundred thirty hours in the school year.

(d) A school employee (~~may establish eligibility for the employer contribution toward SEBB benefits by stacking of hours from multiple positions within one SEBB organization.~~

(4)) who is not anticipated to work six hundred thirty hours within the school year because of the time of year they are hired but is anticipated to work at least six hundred thirty hours the next school year, establishes eligibility for the employer contribution toward SEBB benefits as of their first working day if they are:

(i) A nine to ten month school employee anticipated to be compensated for at least seventeen and one-half hours a week in six of the last eight weeks counting backwards from the week that contains the last day of school; or

(ii) A twelve month school employee anticipated to be compensated for at least seventeen and one-half hours a week in six of the last eight weeks counting backwards from the week that contains August 31st, the last day of the school year.

(3) All hours worked by an employee in their capacity as a school employee must be included in the calculation of hours for determining eligibility.

(4) A school employee may establish eligibility for the employer contribution toward SEBB benefits by stacking of hours from multiple positions within one SEBB organization. A school employee may not gain eligibility by stacking of hours from multiple SEBB organizations.

(5) A school employee is presumed eligible for the employer contribution at the start of the school year, as described in subsection (2)(a) of this section, if they:

(a) Worked at least six hundred thirty hours in each of previous two school years; and

(b) Are returning to the same type of position (teacher, paraeducator, food service worker, custodian, etc.) or combination of positions with the same SEBB organization.

Note: A SEBB organization rebuts this presumption by notifying the school employee, in writing, of the specific reasons why the school employee is not anticipated to work at least six hundred thirty hours in the current school year and how to appeal the eligibility determination.

(6) When SEBB (~~(insurance coverage)~~) benefits begin(~~(s)~~):

(a) For a school employee who establishes eligibility under subsection (~~((3))~~) (2)(a)(i) of this section SEBB (~~(insurance coverage)~~) benefits begin(~~(s)~~) on the first day of work for the new school year.

(b) For a school employee who establishes eligibility under subsection (~~((3))~~) (2)(a)(ii), (b), (~~(c)~~) or (d) of this section, SEBB insurance coverage begins on the first day of the month following the date the school employee becomes eligible for the employer contribution towards SEBB benefits.

(7) If the school employee is not eligible under subsections (1) through (5) of this section, they may be eligible for

SEBB benefits if their SEBB organization is engaging in local negotiations regarding eligibility for school employees as described in WAC 182-30-130.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-050 When does eligibility for the employer contribution for school employees benefits board (SEBB) benefits end?** (1) The employer contribution toward school employees benefits board (SEBB) benefits ends the last day of the month in which the school year ends. The employer contribution toward SEBB benefits will end earlier than the end of the school year if one of the following occurs:

(a) The SEBB organization terminates the employment relationship. In this case, eligibility for the employer contribution ends the last day of the month in which the employer-initiated termination notice is effective;

(b) The school employee terminates the employment relationship. In this case, eligibility for the employer contribution ends the last day of the month in which the school employee's resignation is effective; or

(c) The school employee's work pattern is revised such that the school employee is no longer anticipated to work six hundred thirty hours during the school year. In this case, eligibility for the employer contribution ends as of the last day of the month in which the change is effective.

(2) If the SEBB organization deducted the school employee's portion of the premium for SEBB (~~(insurance coverage)~~) benefits from their pay after the school employee was no longer eligible for the employer contribution, SEBB (~~(insurance coverage)~~) benefits end(~~(s)~~) the last day of the month for which school employee premiums were deducted.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-060 Who is eligible to participate in the salary reduction plan?** School employees eligible for the employer contribution toward school employees benefits board (SEBB) benefits are eligible to participate in the premium payment plan under the state's salary reduction plan (~~(provided they are)~~). School employees eligible for (~~(school employees benefits board)~~) SEBB (~~(s)~~) benefits as described in WAC 182-31-040 (~~(and they)~~) may also elect to participate in the medical FSA or DCAP programs provided they elect participation within the time frames described in WAC 182-30-100.

#### NEW SECTION

**WAC 182-31-070 Is dual enrollment in school employees benefits board (SEBB) prohibited?** School employees benefits board (SEBB) health plan coverage is limited to a single enrollment per individual.

(1) An individual who has more than one source of eligibility for enrollment in SEBB health plan coverage (called "dual eligibility") is limited to one enrollment.

(2) An eligible school employee may waive SEBB medical and enroll as a dependent under the health plan of their

spouse, state registered domestic partner, or parent as described in WAC 182-31-080.

(3) A dependent enrolled in a SEBB health plan who becomes eligible for SEBB benefits as a school employee must elect to enroll in SEBB benefits as described in WAC 182-30-080(1). This includes making an election to enroll in or waive enrollment in SEBB medical as described in WAC 182-31-080 (1)(a).

(a) If the school employee does not waive enrollment in SEBB medical, the school employee is not eligible to remain enrolled in their spouse's, state registered domestic partner's, or parent's SEBB medical as a dependent. If the school employee's spouse, state registered domestic partner, or parent does not remove the school employee (who is enrolled as a dependent) from their subscriber account, the SEBB program will terminate the school employee's enrollment as a dependent the last day of the month before the school employee's enrollment in SEBB benefits begins as described in WAC 182-31-040.

Exception: An enrolled dependent who becomes newly eligible, at the start of the school year, for SEBB benefits as a school employee could be dual-enrolled in SEBB coverage for one month. This exception is only allowed for the first month the dependent is enrolled as a school employee.

(b) If the school employee elects to waive their enrollment in SEBB medical, the school employee will remain enrolled in SEBB medical under their spouse's, state registered domestic partner's, or parent's SEBB health plan as a dependent.

(4) A child who is eligible for medical, dental, and vision under two subscribers may be enrolled as a dependent under the health plan of only one subscriber.

(5) When a school employee is eligible for the employer contribution towards SEBB benefits due to employment in more than one SEBB organization the following provisions apply:

(a) When a school employee is eligible for the employer contribution during a school year under WAC 182-31-040 and 182-30-130 the SEBB organization that has determined the school employee eligible under WAC 182-31-040 must make the employer contribution;

(b) If the school employee is eligible for the employer contribution under WAC 182-31-040 at two different SEBB organizations, the school employee must choose to enroll under only one SEBB organization;

(c) If the school employee is eligible for the employer contribution under WAC 182-30-130 at two different SEBB organizations, the school employee must choose to enroll under only one SEBB organization;

(d) If the school employee loses eligibility under one SEBB organization they may choose to enroll in the other SEBB organization they were eligible for the employer contribution at. The school employee must notify their other SEBB organization they were eligible for the employer contribution at no later than sixty days from the date of loss of the first SEBB coverage in order to transfer coverage;

(e) The school employee's elections remain the same when a school employee transfers their enrollment under one SEBB organization to another SEBB organization without a

break in SEBB benefits for one month or more, as described in (d) of this subsection.

#### NEW SECTION

**WAC 182-31-080 When may a school employee waive enrollment in school employees benefits board (SEBB) medical and when may they enroll in SEBB medical after having waived enrollment?** A school employee may waive enrollment in school employees benefits board (SEBB) medical if they are enrolled in other employer-based group medical, a TRICARE plan, or medicare as described in subsection (1)(a) through (c) of this section. A special open enrollment event must be an event other than a school employee gaining initial eligibility for SEBB benefits. A school employee who waives enrollment in SEBB medical must enroll in dental, vision, basic life insurance, basic accidental death and dismemberment (AD&D) insurance, and basic long-term disability insurance.

(1) To waive enrollment in SEBB medical, the school employee must submit the required form to their SEBB organization at one of the following times:

(a) **When the school employee becomes eligible:** A school employee may waive SEBB medical when they become eligible for SEBB benefits. The school employee must indicate their election to waive enrollment in SEBB medical on the required form and submit the form to their SEBB organization. The SEBB organization must receive the form no later than thirty-one days after the date the school employee becomes eligible for benefits (see WAC 182-30-080). SEBB medical will be waived as of the date the school employee becomes eligible for SEBB benefits.

(b) **During the annual open enrollment:** A school employee may waive SEBB medical during the annual open enrollment. The required form must be received by the school employee's SEBB organization before the end of the annual open enrollment. SEBB medical will be waived beginning January 1st of the following year.

(c) **During a special open enrollment:** A school employee may waive SEBB medical during a special open enrollment as described in subsection (4) of this section. The school employee must submit the required form to their SEBB organization. The SEBB organization must receive the form no later than sixty days after the event that creates the special open enrollment. In addition to the required form, the school employee must provide evidence of the event that creates the special open enrollment to their SEBB organization. SEBB medical will be waived the last day of the month following the later of the event date or the date the required form is received. If that day is the first of the month, SEBB medical will be waived the last day of the previous month. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, SEBB medical will be waived the last day of the previous month.

(2) If a school employee waives SEBB medical, the school employee may not enroll dependents in SEBB medical.

(3) Once SEBB medical is waived, the school employee is only allowed to enroll in SEBB medical at the following times:

(a) During the annual open enrollment. The required form must be received by the school employee's SEBB organization before the end of the annual open enrollment. SEBB medical will begin January 1st of the following year.

(b) During a special open enrollment. A special open enrollment allows a school employee to revoke their election and make a new election outside of the annual open enrollment. A special open enrollment may be created when one of the events described in subsection (4) of this section occurs. The school employee must submit the required form to their SEBB organization. The SEBB organization must receive the form no later than sixty days after the event that creates the special open enrollment. In addition to the required form, the school employee must provide evidence of the event that creates the special open enrollment to the SEBB organization. SEBB medical will begin the first day of the month following the later of the event date or the date the required form is received. If that day is the first of the month, coverage is effective on that day. If the special open enrollment is due to the birth, adoption, or assumption of legal obligation for total or partial support in anticipation of adoption of a child, SEBB medical will begin for a school employee on the first day of the month in which the event occurs (see WAC 182-31-150(3)) for the SEBB medical effective date of a newly born child, newly adopted child, spouse, or state-registered domestic partner).

(4) **Special open enrollment:** Any one of the events in (a) through (k) of this subsection may create a special open enrollment. The change in enrollment must be allowable under the Internal Revenue Code (IRC) and Treasury regulations, and correspond to and be consistent with the event that creates the special open enrollment for the school employee, the school employee's dependent, or both.

(a) School employee acquires a new dependent due to:

(i) Marriage or registering for a state domestic partnership;

(ii) Birth, adoption, or when the school employee has assumed a legal obligation for total or partial support in anticipation of adoption; or

(iii) A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(b) School employee or a school employee's dependent loses other coverage under a group health plan or through health insurance coverage, as defined by the Health Insurance Portability and Accountability Act (HIPAA);

(c) School employee has a change in employment status that affects the school employee's eligibility for their employer contribution toward their employer-based group medical;

(d) The school employee's dependent has a change in their own employment status that affects their eligibility for the employer contribution under their employer-based group medical;

Note: As used in (d) of this subsection "employer contribution" means contributions made by the dependent's current or former employer toward health coverage as described in Treasury Regulation 26 C.F.R. 54.9801-6.

(e) School employee or a school employee's dependent has a change in enrollment under an employer-based group medical plan during its annual open enrollment that does not align with the SEBB program's annual open enrollment;

(f) School employee's dependent has a change in residence from outside of the United States to within the United States, or from within the United States to outside of the United States and that change in residence results in the dependent losing their health insurance;

(g) A court order requires the school employee or any other individual to provide a health plan for an eligible dependent of the school employee (a former spouse or former state registered domestic partner is not an eligible dependent);

(h) School employee or a school employee's dependent becomes entitled to coverage under medicaid or a state children's health insurance program (CHIP), or the school employee or a school employee's dependent loses eligibility for coverage under medicaid or CHIP;

(i) School employee or a school employee's dependent becomes eligible for state premium assistance subsidy for SEBB health plan coverage from medicaid or a state children's health insurance program (CHIP);

(j) School employee or a school employee's dependent becomes eligible and enrolls in a TRICARE plan, or loses eligibility for a TRICARE plan;

(k) School employee becomes eligible and enrolls in medicare, or loses eligibility for medicare.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-090** **When is an enrollee eligible to continue school employees benefits board (SEBB) (~~health plan coverage~~) benefits under Consolidated Omnibus Budget Reconciliation Act (COBRA) (~~and where may school employee survivors go for additional coverage options~~)?** (1) (~~An enrollee~~) A school employee or a school employee's dependent who loses eligibility for the employer contribution toward school employees benefits board (SEBB) benefits and who qualifies for continuation coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) may continue coverage for all or any combination of medical, dental, or vision.

(2) A school employee or a school employee's dependent may continue (~~school employees benefits board~~) SEBB(~~)~~ health plan coverage under (~~the federal Consolidated Omnibus Budget Reconciliation Act~~) COBRA(~~)~~ by self-paying the premium and applicable premium surcharges set by the health care authority (HCA):

Note: Based on RCW 26.60.015 and SEBB policy resolution SEBB 2018-01 a (~~school employee's~~) subscriber's state registered domestic partner and the state registered domestic partner's children may continue SEBB (~~insurance coverage~~) benefits on the same terms and conditions as a legal spouse or child under COBRA.

(a) The (~~enrollee's~~) election must be received by the SEBB program no later than sixty days from the date the (~~enrollee's~~) school employee's or school employee's dependent's SEBB health plan coverage ended or from the post-



mark date on the election notice sent by the SEBB program, whichever is later;

(b) The ~~((enrollee's))~~ first premium payment under COBRA coverage and applicable premium surcharges are due to the HCA no later than forty-five days after the election period ends as described in (a) of this subsection. Following the enrollee's first premium payment, premiums and applicable premium surcharges must be paid as described in WAC 182-30-040;

~~((Enrollees who request to voluntarily terminate their COBRA coverage must do so in writing. The written termination request must be received by the SEBB program.))~~ COBRA continuation coverage enrollees who voluntarily terminate their COBRA coverage will not be eligible to reenroll in COBRA coverage unless they regain eligibility as described in WAC 182-31-040. Those who request to terminate their COBRA coverage must do so in writing. COBRA coverage will end on the last day of the month in which the SEBB program receives the termination request or on the last day of the month specified in the enrollee's termination request, whichever is later. If the termination request is received on the first day of the month, COBRA coverage will end on the last day of the previous month; ~~((and))~~

(d) A school employee enrolled in a medical flexible spending arrangement (FSA) (enrollees who on the date of the qualifying event, have a greater number of remaining benefits than remaining contribution payments for the current year,) and the school employee's dependents will have an opportunity to continue making contributions to their medical FSA by electing COBRA if on the date of the qualifying event, as described under 42 U.S.C. Sec. 300bb-3, the school employee's medical FSA has a greater amount in remaining benefits than remaining contribution payments for the current year. The election must be received by the contracted vendor no later than sixty days from the date the SEBB health plan coverage ended or from the postmark date on the election notice sent by the contracted vendor, whichever is later. The ~~((enrollee's))~~ first premium payment under COBRA coverage is due to the contracted vendor no later than forty-five days after the election period ends as described ~~((below))~~ above. ~~((The enrollee's election must be received by the contracted vendor no later than sixty days from the date the enrollee's SEBB health plan coverage ended or from the postmark date on the election notice sent by the contracted vendor, whichever is later.~~

~~(2) A school employee or a school employee's dependent who loses eligibility for the employer contribution toward SEBB insurance coverage and who qualifies for continuation coverage under COBRA may continue medical, dental, or both.~~

~~(3) A school employee or a school employee's dependent who loses eligibility for continuation coverage described in WAC 182-31-110 but who has not used the maximum number of months allowed under COBRA may continue medical, dental, or both for the remaining difference in months.~~

~~(4) A school employee's spouse, state registered domestic partner, or child who loses eligibility due to the death of an eligible school employee may be eligible to enroll or defer enrollment as a survivor under PEBB retiree insurance coverage as described in WAC 182-12-265.)~~

(3) Medical, dental, and vision coverage under COBRA begin on the first day of the month following the day the COBRA enrollee loses eligibility for the employer contribution as described in WAC 182-31-050.

#### NEW SECTION

**WAC 182-31-091 School employees benefits boards (SEBB) continuation coverage for school employees and their dependents who are not eligible for SEBB benefits as of January 1, 2020, and for dependents who were already on a SEBB organization's continuation coverage as of December 31, 2019?** School employees and their dependents may gain temporary eligibility for school employees benefits board (SEBB) benefits, on a self-pay basis, if they meet the following criteria:

(1) Based on policy resolution SEBB resolution 2019-06 a school employee and their dependents who are enrolled in medical, dental, or vision under a group plan offered by a SEBB organization on December 31, 2019, who lose eligibility because the school employee is not eligible under WAC 182-31-040, may elect to enroll in one or more of the following SEBB benefits: Medical, dental, or vision coverage. These benefits will be provided for a maximum of eighteen months.

(2) Based on SEBB resolution 2018-56 a dependent of a SEBB eligible school employee who is enrolled in medical, dental, or vision under a school employee's account on December 31, 2019, who loses eligibility because they are not an eligible dependent under WAC 182-31-140 may enroll in medical, dental, and vision for a maximum of thirty-six months.

(3) Based on policy resolution SEBB resolution 2019-07 a dependent of a school employee who is continuing medical, dental, or vision coverage through a SEBB organization on December 31, 2019, may elect to finish out their remaining months, up to the maximum number of months authorized by Consolidated Omnibus Budget Reconciliation Act (COBRA) for a similar event, by enrolling in a medical, dental, or vision plan offered through the SEBB program.

(4) The school employee's or the dependent's election must be received by the SEBB program no later than sixty days after January 1, 2020. If the school employee's or a dependent's monthly premium or applicable premium surcharges remain unpaid for sixty days from the original due date, the school employee's SEBB benefits will be terminated retroactive to the last day of or the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-30-040 (1)(b).

#### NEW SECTION

**WAC 182-31-100 What options for continuation coverage are available to school employees and their dependents during certain types of leave or when employment ends due to a layoff?** School employees who have established eligibility for school employees benefits board (SEBB) benefits as described in WAC 182-31-040 may continue coverage for themselves and their dependents during certain types of leave or when their employment ends due to a layoff.

(1) School employees who are no longer eligible for the employer contribution toward SEBB benefits due to an event described in (b)(i) through (v) of this subsection may continue SEBB benefits by self-paying the premium and applicable premium surcharges set by the health care authority (HCA) from the date eligibility for the employer contribution is lost:

(a) School employees may continue any combination of medical, dental, vision, life insurance, and accidental death and dismemberment (AD&D) insurance;

(b) School employees in the following circumstances who lose their eligibility for the employer contribution toward SEBB benefits qualify to continue coverage under this subsection:

(i) School employees who are on authorized leave without pay;

(ii) School employees who are receiving time-loss benefits under workers' compensation;

(iii) School employees who are called to active duty in the uniformed services as defined under USERRA;

(iv) School employees whose employment ends due to a layoff as defined in WAC 182-31-020; and

(v) School employees who are applying for disability retirement.

(c) The school employee's elections must be received by the SEBB program no later than sixty days from the date the school employee's SEBB health plan coverage ended or from the postmark date on the election notice sent by the SEBB program, whichever is later;

(d) School employees may self-pay for a maximum of twenty-nine months. The school employee's first premium payment and applicable premium surcharges are due no later than forty-five days after the election ends as described in (c) of this subsection. Premiums and applicable premium surcharges associated with continuing SEBB medical, must be made to the HCA as well as premiums associated with continuing SEBB dental and vision insurance coverage. Premiums associated with continuing life insurance coverage or AD&D insurance coverage must be made to the contracted vendor. Following the school employee's first premium payment, the school employee must pay the premium amounts for SEBB benefits and applicable premium surcharges as premiums become due; and

(e) If the school employee's monthly premium or applicable premium surcharges remain unpaid for sixty days from the original due date, the school employee's SEBB benefits will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-30-040 (1)(b).

(2) The number of months that school employees self-pay the premium while eligible as described in subsection (1) of this section will count toward the total months of continuation coverage allowed under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). School employees who are no longer eligible for continuation coverage as described in subsection (1) of this section but who have not used the maximum number of months allowed under COBRA coverage may continue medical, dental, vision, or any combination of them for the remaining difference in

months by self-paying the premium and applicable premium surcharges as described in WAC 182-31-090.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-110 What options are available if a school employee is approved for the federal Family and Medical Leave Act (FMLA) or the paid family and medical leave program?** (1) A school employee on approved leave under the federal Family and Medical Leave Act (FMLA) or the family and medical leave insurance program under chapter 50A.04 RCW (paid family and medical leave program) may continue to receive the employer contribution toward school employees benefits board (SEBB) insurance coverage in accordance with the federal FMLA or RCW 50A.04.245. The school employee may also continue current supplemental life, supplemental accidental death and dismemberment (AD&D), and supplemental long-term disability insurance. The school employee's SEBB organization is responsible for determining if the school employee is eligible for leave under FMLA and the duration of such leave. The employment security department is responsible for determining if the school employee is eligible for leave under the paid family and medical leave program.

(2) If a school employee's monthly premium or ~~((any))~~ applicable premium~~((s))~~ surcharges remain~~((s))~~ unpaid for sixty days from the original due date, the school employee's SEBB ~~((insurance coverage))~~ benefits will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges ~~((was))~~ were paid.

(3) If a school employee exhausts the period of leave approved under FMLA or paid family and medical leave, SEBB ~~((insurance coverage))~~ benefits may be continued by self-paying the premium and applicable premium surcharges set by the health care authority (HCA), with no contribution from the SEBB organization, as described in WAC 182-31-100(1).

#### NEW SECTION

**WAC 182-31-120 What options for continuation coverage are available to school employees during their appeal of a grievance?** (1) A school employee awaiting hearing of a grievance action before any of the following may continue their school employees benefits board (SEBB) insurance coverage by self-paying the premium and applicable premium surcharges set by the health care authority (HCA), with no contribution from the SEBB organization, on the same terms as a school employee who is granted leave as described in WAC 182-31-100(1):

(a) An arbitrator; or

(b) A grievance or appeals committee established under a collective bargaining agreement for union represented employees.

(2) The school employee must pay premium amounts and applicable premium surcharges associated with SEBB benefits as premiums and applicable premium surcharges become due. If the monthly premium or applicable premium surcharges remain unpaid for sixty days from the original due

date, SEBB benefits will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-30-040 (1)(b).

(3) If the dismissal is upheld, all SEBB benefits will end at the end of the month in which the decision is entered, or the date to which premiums have been paid, whichever is later, with the exception described in subsection (4) of this section.

(4) If the dismissal is upheld and the school employee is eligible under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), the school employee may continue medical, dental, vision, or any combination of them for the remaining months available under COBRA. See WAC 182-31-090 for information on COBRA. The number of months the school employee self-paid premiums during the appeal will count toward the total number of months allowed under COBRA.

(5) If the arbitrator, committee, or court sustains the school employee in the appeal and directs reinstatement of SEBB organization paid SEBB benefits retroactively, the SEBB organization must forward to HCA the full employer contribution for the period directed by the arbitrator, committee, or court and collect from the school employee the school employee's share of premiums due, if any.

(a) When the employer contribution is reinstated, HCA will refund premiums and applicable premium surcharges the school employee paid only if the school employee retroactively pays their employee contribution amounts for SEBB benefits. In the alternative, at the request of the school employee, HCA may deduct the school employee's contribution amount for SEBB insurance coverage from the refund of premiums and applicable premium surcharges self-paid by the school employee during the appeal period.

(b) All supplemental life insurance, supplemental accidental death and dismemberment (AD&D) that was in force at the time of dismissal shall be reinstated retroactively only if the school employee makes retroactive payment of premium for any such supplemental coverage that was not continued by self-payment during the appeal process. If the school employee chooses not to pay the retroactive premium, evidence of insurability will be required to restore such supplemental coverage.

#### NEW SECTION

**WAC 182-31-130 What options for continuation coverage are available to dependents who cease to meet the eligibility criteria as described in WAC 182-31-140 or 182-30-130?** If eligible, dependents may continue SEBB benefits enrollment under one of the continuation coverage options in subsection (1) or (2) of this section by self-paying the premiums and applicable premium surcharges set by the health care authority (HCA), with no contribution from the school employees benefits board (SEBB) organization, following their loss of eligibility under the subscriber's SEBB benefits. The dependent's first premium payment and applicable premium surcharges are due to the HCA no later than forty-five days after the dependent's election is received by the SEBB program. Following the dependent's first premium payment, the dependent must pay premium and applicable

premium surcharge amounts associated with SEBB benefits as premiums and applicable premium surcharges become due. If the monthly premium or applicable premium surcharges remain unpaid for sixty days from the original due date, SEBB benefits will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-30-040 (1)(b). The SEBB program must receive the required forms as outlined in the SEBB initial notice of COBRA and continuation coverage rights. Options for continuing health plan enrollment are based on the reason that eligibility was lost.

(1) Dependents who lose eligibility due to the death of an employee may be eligible to continue health plan enrollment as described in WAC 182-12-180 or 182-12-265; or

(2) Dependents who lose eligibility because they no longer meet the eligibility criteria as described in WAC 182-31-140 are eligible to continue SEBB benefits enrollment under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). See WAC 182-31-090 for more information on COBRA.

(3) No continuation coverage will be offered unless the SEBB program is notified through hand delivery or United States Postal Service mail of the qualifying event as outlined in the SEBB initial notice of COBRA and continuation coverage rights.

#### NEW SECTION

**WAC 182-31-135 Where may school employee survivors go for additional coverage options?** A school employee's spouse, state registered domestic partner, or child who loses eligibility for the employer contribution toward school employees benefits board (SEBB) insurance benefits due to the death of an eligible school employee may be eligible to enroll in or defer enrollment as a survivor under public employees benefits board (PEBB) retiree insurance coverage as described in WAC 182-12-265 rather than enrolling in continuation coverage.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-140 Who are eligible dependents?** To be enrolled in ~~((a health plan))~~ SEBB benefits, a dependent must be eligible under this section and the subscriber must comply with enrollment procedures outlined in WAC 182-31-150.

The school employees benefits board (SEBB) program ~~((will verify))~~ verifies the eligibility of all ~~((self-pay subscriber))~~ dependents and will request documents from subscribers that provide evidence of a dependent's eligibility. The SEBB program reserves the right to review a dependent's eligibility at any time. ~~((All SEBB organizations will verify the eligibility of all school employee dependents and will request documents that provide evidence of))~~ The SEBB program will remove a subscriber's enrolled dependents from health plan enrollment if the SEBB program is unable to verify a dependent's eligibility. The SEBB program and SEBB organizations will not enroll dependents into ~~((a health plan))~~

SEBB benefits if they are unable to verify a dependent's eligibility within the SEBB program enrollment timelines.

~~((A self-pay))~~ The subscriber must ((notify the SEBB program)) provide notice, in writing, when their dependent is not eligible under this section~~((A school employee must notify their SEBB organization, in writing, when their dependent is not eligible under this section. The notification must be received no later than sixty days after the date their dependent is no longer eligible under this section. See WAC 182-31-150(2) for the consequences of not removing an ineligible dependent from SEBB insurance coverage))~~ as described in WAC 182-31-150 (2)(a). A school employee must notify their SEBB organization, except as required in subsection (3)(h)(ii) of this section. A subscriber on continuation coverage must notify the SEBB program. The notification must be received no later than sixty days after the date their dependent is no longer eligible under this section. See WAC 182-31-150(2) for the consequences of not removing an ineligible dependent from SEBB benefits.

The following are eligible as dependents:

(1) Legal spouse. A former spouse((s are)) is not an eligible dependent((s)) upon finalization of a divorce or annulment, even if a court order requires the subscriber to provide health insurance for the former spouse;

(2) State registered domestic partner. ~~((State registered domestic partner as defined in RCW 26.60.020(1) and substantially equivalent legal unions from other jurisdictions as defined in RCW 26.60.090.))~~ A former state registered domestic partner((s are)) is not an eligible dependent((s)) upon dissolution or termination of a partnership, even if a court order requires the subscriber to provide health insurance for the former partner;

(3) Children. Children are eligible through the last day of the month in which their twenty-sixth birthday occurred except as described in (f) of this subsection. Children are defined as the subscriber's:

(a) Children ~~((of the school subscriber))~~ based on establishment of a parent-child relationship as described in RCW ~~((26.26.101))~~ 26.26A.100, except when parental rights have been terminated;

(b) Children of the subscriber's spouse, based on the spouse's establishment of a parent-child relationship ~~((as described in RCW 26.26.101)),~~ except when parental rights have been terminated. The stepchild's relationship to the subscriber (and eligibility as a dependent) ends on the same date the marriage with the spouse ends through divorce, annulment, dissolution, termination, or death;

(c) Children of the subscriber's state registered domestic partner, based on the state registered domestic partner's establishment of a parent-child relationship ~~((as described in RCW 26.26.101)),~~ except when parental rights have been terminated. The child's relationship to the subscriber (and eligibility as a dependent) ends on the same date the subscriber's legal relationship with the state registered domestic partner ends through divorce, annulment, dissolution, termination, or death;

(d) Children for whom the subscriber has assumed a legal obligation for total or partial support in anticipation of adoption of the child;

(e) Children specified in a court order or divorce decree for whom the subscriber has a legal obligation to provide support or health care coverage;

(f) Children of any age with a developmental or physical disability that renders the child incapable of self-sustaining employment and chiefly dependent upon the subscriber for support and maintenance provided such condition((s)) occurs before the age of twenty-six:

(i) The subscriber must provide proof of the disability and dependency within sixty days of the child's attainment of age twenty-six;

(ii) The subscriber must ~~((agree to))~~ notify the SEBB program, in writing, no later than sixty days after the date that the child is no longer eligible under this subsection;

(iii) A child with a developmental or physical disability who becomes self-supporting is not eligible under this subsection as of the last day of the month in which they become capable of self-support;

(iv) A child with a developmental or physical disability age twenty-six and older who becomes capable of self-support does not regain eligibility if they later become incapable of self-support; and

(v) The SEBB program with input from the applicable contracted vendor will periodically verify the eligibility of a dependent child with a disability beginning at age twenty-six, but no more frequently than annually after the two-year period following the child's twenty-sixth birthday, which may require renewed proof from the subscriber.

(g) Extended dependent in the legal custody or legal guardianship of the subscriber, the subscriber's spouse, or the subscriber's state registered domestic partner. The legal responsibility is demonstrated by a valid court order and the child's official residence with the custodian or guardian. Extended dependent child does not include a foster child unless the subscriber, the subscriber's spouse, or the subscriber's state registered domestic partner has assumed a legal obligation for total or partial support in anticipation of adoption.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-150 When may subscribers enroll or remove eligible dependents? (1) Enrolling dependents in school employees benefits board (SEBB) benefits.** A dependent must be enrolled in the same health plan coverage as the subscriber, and the subscriber must be enrolled in a medical plan to enroll their dependent. Subscribers must satisfy the enrollment requirements as described in subsection ~~((5))~~ (4) of this section and may enroll eligible dependents at the following times:

(a) When the subscriber becomes eligible and enrolls in SEBB benefits. If eligibility is verified and the dependent is enrolled, the dependent's effective date will be the same as the subscriber's effective date, except if the subscriber enrolls a newborn child in supplemental dependent life insurance. The newborn child's dependent life insurance coverage or AD&D insurance will be effective on the date the child becomes fourteen days old;

(b) During the annual open enrollment. SEBB (~~(health plan)~~) benefits coverage begins January 1st of the following year; or

(c) During special open enrollment. Subscribers may enroll dependents during a special open enrollment as described in subsections (3) and (5)(f) of this section.

**(2) Removing dependents from a subscriber's health plan coverage.**

(a) A dependent's eligibility for enrollment in health plan coverage ends the last day of the month the dependent (~~(fails to)~~) meets the eligibility criteria as described in WAC 182-31-140. Subscribers must (~~(notify their SEBB organization)~~) provide notice when a dependent is no longer eligible due to divorce, annulment, dissolution, or qualifying event of dependent ceasing to be eligible as a dependent child as described in WAC 182-31-140(3). School employees must notify their SEBB organization when a dependent is no longer eligible except as required under WAC 182-31-140(3)(f)(ii). All other subscribers must notify the SEBB program. Consequences for not submitting notice within the required sixty days of the last day of the month the dependent loses eligibility for health plan coverage may include, but are not limited to:

(i) The dependent may lose eligibility to continue health plan coverage under one of the continuation coverage options;

(ii) The subscriber may be billed for claims paid by the health plan for services that were rendered after the dependent lost eligibility as described in WAC 182-31-130;

(iii) The subscriber may not be able to recover subscriber-paid insurance premiums for dependents that lost their eligibility; and

(iv) The subscriber may be responsible for premiums paid by the (~~(SEBB organization)~~) state for the dependent's health plan coverage after the dependent lost eligibility.

(b) School employees have the opportunity to remove eligible dependents:

(i) During the annual open enrollment. The dependent will be removed the last day of December; or

(ii) During a special open enrollment as described in subsections (3) and (5)(f) of this section.

(c) Enrollees with SEBB continuation coverage as described in WAC 182-31-090 may remove dependents from their SEBB (~~(insurance coverage)~~) benefits outside of the annual open enrollment or a special open enrollment by providing written notice to the SEBB program. The dependent will be removed from the subscriber's SEBB (~~(insurance coverage)~~) benefits prospectively. SEBB (~~(insurance coverage)~~) benefits will end on the last day of the month in which the written notice is received by the SEBB program or on the last day of the month specified in the subscriber's written notice, whichever is later. If the written notice is received on the first day of the month, coverage will end on the last day of the previous month.

**(3) Special open enrollment.**

(a) Subscribers may enroll or remove their eligible dependents (~~(or remove them)~~) outside of the annual open enrollment if a special open enrollment event occurs. The change in enrollment must be allowable under the Internal Revenue Code and Treasury regulations, and correspond to

and be consistent with the event that creates the special open enrollment for the subscriber, the subscriber's dependents, or both.

(i) (~~(Health plan)~~) SEBB benefits coverage will begin the first of the month following the later of the event date or the date the required form is received. If that day is the first of the month, the change in enrollment begins on that day.

(ii) Enrollment of an extended dependent or a dependent with a disability will be the first day of the month following the later of the event date as described in WAC 182-31-140(3) or eligibility certification.

(iii) The dependent will be removed from the subscriber's (~~(health plan)~~) SEBB benefits coverage the last day of the month following the later of the event date or the date the required form and proof of the event is received. If that day is the first of the month, the change in enrollment will be made the last day of the previous month.

(iv) If the special open enrollment is due to the birth or adoption of a child, or when the subscriber has assumed a legal obligation for total or partial support in anticipation of adoption of a child, (~~(health plan)~~) SEBB benefits coverage will begin or end as follows:

- For the newly born child, (~~(health plan)~~) SEBB benefits coverage will begin the date of birth;

- For a newly adopted child (~~(health plan)~~) SEBB benefits coverage will begin on the date of placement or the date a legal obligation is assumed in anticipation of adoption, whichever is earlier;

- For a spouse or state registered domestic partner of a subscriber, health plan coverage will begin the first day of the month in which the event occurs. The spouse or state registered domestic partner will be removed from health plan coverage the last day of the month in which the event occurred;

A newly born child must be at least fourteen days old before supplemental dependent life insurance coverage or accidental death and dismemberment insurance purchased by the employee becomes effective.

Any one of the following events may create a special open enrollment:

(b) Subscriber acquires a new dependent due to:

(i) Marriage or registering a state registered domestic partnership (~~(on a state registry when the dependent is a tax dependent of the subscriber)~~);

(ii) Birth, adoption, or when a subscriber has assumed a legal obligation for total or partial support in anticipation of adoption; or

(iii) A child becoming eligible as an extended dependent through legal custody or legal guardianship.

(c) Subscriber or a subscriber's dependent loses other coverage under a group health plan or through health insurance coverage, as defined by the Health Insurance Portability and Accountability Act (HIPAA);

(d) Subscriber has a change in employment status that affects the subscriber's eligibility for their employer contribution toward their employer-based group health plan;

(e) The subscriber's dependent has a change in their own employment status that affects their eligibility for the employer contribution under their employer-based group health plan;

Note: As used in (e) of this subsection "employer contribution" means contributions made by the dependent's current or former employer toward health coverage as described in Treasury Regulation 54.9801-6.

(f) Subscriber or a subscriber's dependent has a change in enrollment under an employer-based group health plan during its annual open enrollment that does not align with the SEBB program's annual open enrollment;

(g) Subscriber's dependent has a change in residence from outside of the United States to within the United States, or from within the United States to outside of the United States and that change in residence results in the dependent losing their health insurance;

(h) A court order requires the subscriber or any other individual to provide insurance coverage for an eligible dependent of the subscriber (a former spouse or former state registered domestic partner is not an eligible dependent);

(i) Subscriber or a subscriber's dependent becomes entitled to coverage under medicaid or a state children's health insurance program (CHIP), or the subscriber or a subscriber's dependent loses eligibility for coverage under medicaid or CHIP;

(j) Subscriber or a subscriber's dependent becomes eligible for state premium assistance subsidy for SEBB health plan coverage from medicaid or ~~((a-state))~~ CHIP.

~~(4) ((For the purposes of special open enrollment "employer contribution" means contributions made by the dependent's current or former employer toward health coverage as described in Treasury Regulation 54.9801-6.~~

~~(5))~~ **Enrollment requirements. A subscriber must submit the required forms within the time frames described in this subsection.** A school employee must submit the required forms to their SEBB organization, ~~((all other))~~ a subscriber ~~((s))~~ on continuation coverage must submit the required forms to the SEBB program. In addition to the required forms indicating dependent enrollment, the subscriber must provide the required documents as evidence of the dependent's eligibility; or as evidence of the event that created the special open enrollment. All required forms and documents must be received within the ~~((relevant))~~ required time frames.

(a) If a subscriber wants to enroll their eligible dependents when the subscriber becomes eligible to enroll in SEBB benefits, the subscriber must include the dependent's enrollment information on the required forms and submit them within the ~~((relevant))~~ required time frame as described in WAC 182-30-060 and 182-30-080.

(b) If a subscriber wants to enroll eligible dependents during the SEBB annual open enrollment period, the required forms must be received no later than the last day of the annual open enrollment.

(c) If a subscriber wants to enroll newly eligible dependents, the required forms must be received no later than sixty days after the dependent becomes eligible ~~((except as provided in (d) of this subsection)).~~

(d) If a subscriber wants to enroll a newborn or child whom the subscriber has adopted or has assumed a legal obligation for total or partial support in anticipation of adoption, the subscriber should notify the SEBB program by submitting the required forms as soon as possible to ensure timely

payment of claims. If adding the child increases the premium, the required forms must be received no later than sixty days after the date of the birth, adoption, or the date the legal obligation is assumed for total or partial support in anticipation of adoption.

(e) If the subscriber wants to enroll a child age twenty-six or older as a child with a disability, the required forms must be received no later than sixty days after the last day of the month in which the child reaches age twenty-six or within the relevant time frame described in WAC 182-31-140 (3)(f). To recertify an enrolled child with a disability, the required forms must be received by the SEBB program or the contracted vendor by the child's scheduled SEBB coverage termination date.

(f) If the subscriber wants to change a dependent's enrollment status during a special open enrollment, the required forms must be received no later than sixty days after the event that creates the special open enrollment.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-31-160 National Medical Support Notice (NMSN).** (1) When a National Medical Support Notice (NMSN) requires a subscriber to provide health plan coverage for a dependent child the following provisions apply:

~~((1))~~ (a) The subscriber may enroll their dependent child and request changes to their health plan coverage as described under ~~((subsection (3)))~~ (c) of this ~~((section))~~ subsection. School employees submit the required forms to their school employees benefits board (SEBB) organization. ~~((All other))~~ Subscribers on continuation coverage submit the required forms to the SEBB program;

~~((2))~~ (b) If the subscriber fails to request enrollment or health plan coverage changes as directed by the NMSN, the SEBB organization or the SEBB program may make enrollment or health plan coverage changes according to ~~((subsection (3)))~~ (c) of this ~~((section))~~ subsection upon request of:

~~((a))~~ (i) The child's other parent; or

~~((b))~~ (ii) Child support enforcement program.

~~((3))~~ (c) Changes to health plan coverage or enrollment are allowed as directed by the NMSN:

~~((a))~~ (i) The dependent will be enrolled under the subscriber's health plan coverage as directed by the NMSN;

~~((b))~~ (ii) A school employee who has waived SEBB medical as ~~((approved by the SEBB))~~ described in WAC 182-31-080 will be enrolled in medical as directed by the NMSN, in order to enroll the dependent;

~~((c))~~ (iii) The subscriber's selected health plan will be changed if directed by the NMSN;

~~((d))~~ (iv) If the dependent is already enrolled under another SEBB subscriber, the dependent will be removed from the other health plan coverage and enrolled as directed by the NMSN; or

~~((e))~~ (v) If the subscriber is eligible for and elects Consolidated Omnibus Budget Reconciliation Act (COBRA) or other continuation coverage, the NMSN will be enforced and the dependent must be covered in accordance with the NMSN.

~~((4))~~ (d) Changes to health plan coverage or enrollment as described in ~~((subsection (3)(a) through))~~ (c)(i) through (iii) of this ~~((section))~~ subsection will begin the first day of the month following receipt by the SEBB organization of the NMSN. If the NMSN is received by the SEBB organization on the first day of the month, the change to health plan coverage or enrollment begins on that day. A dependent will be removed from the subscriber's health plan coverage as described in ~~((subsection (3)(d)))~~ (c)(iv) of this ~~((section))~~ subsection the last day of the month the NMSN is received. If that day is the first of the month, the change in enrollment will be made the last day of the previous month.

~~((5))~~ ~~The subscriber may be eligible to make changes to their health plan enrollment and salary reduction elections related to the NMSN as described in WAC 182-30-090 (1) and (2) or 182-31-150(3-))~~ (2) When a NMSN requires a spouse, former spouse, or other individual to provide coverage for a dependent enrolled in SEBB coverage and that coverage is in fact provided, the dependent may be removed from the subscriber's SEBB insurance coverage prospectively.

#### NEW SECTION

**WAC 182-31-190 School employees benefits board (SEBB) wellness incentive program eligibility and procedural requirements.** The school employees benefits board (SEBB) annually determines the design of the SEBB wellness incentive program.

(1) All subscribers are eligible to participate in the SEBB wellness incentive program.

(2) For plan year 2020, all subscribers that register in SmartHealth and complete the well-being assessment during the 2019 open enrollment will earn a \$50 incentive as a reduction in their SEBB medical deductible or a deposit into their SEBB health savings account (HSA).

(3) Effective January 1, 2020, to receive the SEBB wellness incentive of a reduction to the subscriber's medical plan deductible or a deposit to the subscriber's health savings account for the following plan year, subscribers must complete SEBB wellness incentive program requirements during the current plan year by the following deadline:

(a) For subscribers continuing enrollment in SEBB medical and subscribers enrolling in SEBB medical with an effective date in January through September, the deadline is November 30th; or

(b) For subscribers enrolling in SEBB medical with an effective date in October through December, the deadline is December 31st.

(4) Subscribers who do not complete the requirements according to subsection (3) of this section within the time frame described are not eligible to receive a SEBB wellness incentive the following plan year.

Note: All subscribers can earn a wellness incentive. Subscribers who cannot complete the wellness incentive program requirements may be able to earn the same incentive by different means. The SEBB program will work with enrollees (and their physician, if they wish) to define an individual wellness program that provides the opportunity to qualify for the same incentive in light of the enrollee's health status.

- (5) A SEBB wellness incentive will be provided only if:
- For the wellness incentive described in subsection (3) of this section the subscriber is still eligible for the SEBB wellness incentive program in the year the incentive applies;
  - The funding rate provided by the legislature is designed to provide a SEBB wellness incentive program or a SEBB wellness incentive, or both; or
  - Specific appropriations are provided for wellness incentives.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-020 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates another meaning:

"Accidental death and dismemberment insurance" or "AD&D" means basic accidental death and dismemberment (AD&D) insurance paid for by the SEBB organizations, as well as supplemental accidental death and dismemberment insurance offered to and paid for by school employees for themselves and their dependents.

"Appellant" means a person who requests a ~~((review by))~~ brief adjudicative proceeding with the SEBB appeals unit ~~((or a formal administrative hearing))~~ about the action of the SEBB organization, the HCA, or its contracted vendor.

"Authority" or "HCA" means the Washington state health care authority.

"Brief adjudicative proceeding" means the process described in RCW 34.05.482 through 34.05.494 and in WAC 182-32-2000 through 182-32-2160.

"Business days" means all days except Saturdays, Sundays, and all legal holidays as set forth in RCW 1.16.050.

"Calendar days" or "days" means all days including Saturdays, Sundays, and all state legal holidays as set forth in RCW 1.16.050.

"Continuance" means a change in the date or time of when a brief adjudicative proceeding or formal administrative hearing will occur.

"Contracted vendor" means any person, persons, or entity under contract or agreement with the HCA to provide goods or services for the provision or administration of SEBB benefits. The term contracted vendor includes subcontractors of the HCA and subcontractors of any person, persons, or entity under contract or agreement with the HCA that provide goods or services for the provision or administration of SEBB benefits.

"Denial" or "denial notice" means an action by, or communication from, ~~((either))~~ a school employees benefits board (SEBB) organization, contracted vendor, or the SEBB program that aggrieves a subscriber, a dependent, or an applicant, with regard to SEBB benefits including, but not limited to, actions or communications expressly designated as a "denial," "denial notice," or "cancellation notice."

"Dependent" means a person who meets eligibility requirements in WAC 182-31-140.

"Dependent care assistance program" or "DCAP" means a benefit plan whereby school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under chapter 41.05

RCW pursuant to 26 U.S.C. Sec. 129 or other sections of the Internal Revenue Code.

"Director" means the director of the authority.

"Disability insurance" includes any basic long-term disability insurance paid for by the school employees benefits board (SEBB) organization and any supplemental long-term disability or supplemental short-term disability paid for by the employee.

"Dispositive motion" is a motion made to a presiding officer, review officer, or hearing officer to decide a claim or case in favor of the moving party without further proceedings.

"Documents" means papers, letters, writings, electronic mail, electronic files, or other printed or written items. ~~((Documents include evidence needed to verify eligibility for SEBB benefits and complete the enrollment process.~~

~~"Employer contribution" means the funding amount paid to the HCA by a school employees benefits board (SEBB) organization for its eligible school employees as described under WAC 182-31-060.~~

~~"Employer-paid coverage" means SEBB insurance coverage for which an employer contribution is made by a SEBB organization for school employees eligible in WAC 182-31-060-))~~

"Employer-based group health plan" means group medical, group vision, and group dental related to a current employment relationship. It does not include medical, vision, or dental coverage available to retired employees, individual market medical or dental coverage, or governmental-sponsored programs such as medicare or medicaid.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-31 WAC or WAC 182-30-130, who is enrolled in SEBB benefits, and for whom applicable premium payments have been made.

"File" or "filing" means the act of delivering documents to the office of the presiding officer, review officer, or hearing officer. A document is considered filed when it is received by the health care authority or its designee.

"Final order" means an order that is the final health care authority decision.

"Formal administrative hearing" means a proceeding before a hearing officer that gives an appellant an opportunity for an evidentiary hearing as described in RCW 34.05.413 through ~~((34.05.479))~~ 34.05.476 and WAC 182-32-3000 through 182-32-3200.

"HCA hearing representative" means a person who is authorized to represent the SEBB program in a formal administrative hearing. The person may be an assistant attorney general or authorized HCA employee.

"Health plan" means a plan offering medical, vision, dental, or any combination of these coverages, developed by the ~~((school employees benefits board))~~ SEBB and provided by a contracted vendor or self-insured plans administered by the HCA.

"Hearing officer" means an impartial decision maker who presides at a formal administrative hearing, and is:

- A director-designated HCA employee; or
- When the director has designated the office of administrative hearings (OAH) as a hearing body, an administrative law judge employed by the OAH.

~~"Life insurance" ((for eligible school employees includes)) means any basic life insurance ((and accidental death and dismemberment (AD&D) insurance)) paid for by the ((school employees benefits board-)) SEBB(( )) organization, as well as supplemental life insurance ((and supplemental AD&D insurance)) offered to and paid for by school employees for themselves and their dependents.~~

"LTD insurance" or "long-term disability insurance" includes ~~((any))~~ basic long-term disability insurance paid for by the ~~((school employees benefits board-))~~ SEBB~~(( ))~~ organization and ~~((any))~~ supplemental long-term disability insurance offered to and paid for by the school employee.

"Medical flexible spending arrangement" or "medical FSA" means a benefit plan whereby eligible school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan established under ~~((this))~~ chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"Prehearing conference" means a proceeding scheduled and conducted by a hearing officer to address issues in preparation for a formal administrative hearing.

"Premium payment plan" means a benefit plan whereby school employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under chapter 41.05 RCW pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

"Premium surcharge" means a payment required from a subscriber, in addition to the subscriber's medical premium contribution, due to an enrollee's tobacco use or an enrolled subscriber's spouse or state registered domestic partner choosing not to enroll in their employer-based group medical when:

- The spouse's or state registered domestic partner's share of the medical premiums is less than ninety-five percent of the additional cost an employee would be required to pay to enroll a spouse or state registered domestic partner in the public employees benefits board (PEBB) Uniform Medical Plan (UMP) Classic; and
- The benefits have an actuarial value of at least ninety-five percent of the actuarial value of PEBB UMP Classic benefits.

"Presiding officer" means an impartial decision maker who conducts a brief adjudicative proceeding and is a director-designated HCA employee.

"Public employees benefits board" or "PEBB" means the board established under provisions of RCW 41.05.055.

"Review officer or officers" means one or more delegates from the director that consider appeals relating to the administration of SEBB benefits by the SEBB program.

"Salary reduction plan" means a benefit plan whereby school employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program (DCAP), medical flexible spending arrangement (FSA), or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.



"School employee" means:

• All employees of school districts (~~(educational service districts,))~~ and charter schools established under chapter 28A.710 RCW;

• Represented employees of educational service districts;  
and

• Effective January 1, 2024, all employees of educational service districts.

"School employees benefits board organization" or "SEBB organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that is required to participate in benefit plans provided by the school employees benefit board.

"SEBB" means the school employees benefits board established in RCW 41.05.740.

"SEBB benefits" means one or more insurance coverages or other employee benefits administered by the SEBB program within the HCA.

"SEBB insurance coverage" means any health plan, life insurance, accidental death and dismemberment, or long-term disability insurance administered as a SEBB benefit.

"SEBB program" means the program within the HCA that administers insurance and other benefits for eligible school employees (as described in WAC 182-31-040 or 182-30-130), and eligible dependents (as described in WAC 182-31-140).

"State registered domestic partner," has the same meaning as defined in RCW 26.60.020(1) and substantially equivalent legal unions from other jurisdictions as defined in RCW 26.60.090.

"Subscriber" means the school employee or continuation coverage enrollee who has been determined eligible by the SEBB program or SEBB organizations, is enrolled in SEBB benefits, and is the individual to whom the SEBB program and contracted vendors will issue all notices, information, requests, and premium bills on behalf of an enrollee.

"Tobacco products" means any product made with or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, and other tobacco products. It does not include e-cigarettes or United States Food and Drug Administration (FDA) approved quit aids.

"Tobacco use" means any use of tobacco products within the past two months. Tobacco use, however, does not include the religious or ceremonial use of tobacco.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-064 Applicable rules and laws.** (1) A school employees benefits board (SEBB) organization must apply SEBB program rules adopted in the Washington Administrative Code (WAC) and follow instructions from the authority.

(2) A presiding officer, review officer or officers, or hearing officer must first apply the applicable (~~(school employees benefits board (SEBB))~~) SEBB program rules adopted in the (~~(Washington Administrative Code~~

(~~WAC~~)). If no SEBB program rule applies, the presiding officer, review officer or officers, or hearing officer must decide the issue according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, regulations, significant decisions indexed as described in WAC 182-32-130, and court decisions.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-066 Burden of proof, standard of proof, and presumptions.** (1) The burden of proof is a party's responsibility to provide evidence regarding disputed facts and persuade the presiding officer, review officer or officers, or hearing officer that a position is correct based on the standard of proof. Unless stated otherwise in rules or law, the appellant has the burden of proof in a brief adjudicative proceeding or formal administrative hearing.

(2) Standard of proof refers to the (~~(amount of evidence needed))~~ degree or level of proof to prove a party's position. Unless stated otherwise in rules or law, the standard of proof in a brief adjudicative proceeding or formal administrative hearing is a preponderance of the evidence, meaning that something is more likely to be true than not.

(3) Public officers and school employees benefits board (SEBB) organizations are presumed to have properly performed their duties and acted as described in the law, unless substantial evidence to the contrary is presented. A party challenging this presumption bears the burden of proof.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-120 Computation of time.** (1) In computing any period of time prescribed by this chapter, the day of the event from which the time begins to run is not included. (For example, if an initial order is served on Friday and the party has twenty-one days to request a review, start counting the days with Saturday.)

(2) (~~(Except))~~ As provided in subsection (3) of this section, the last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday as defined in RCW 1.16.050, in which case the period extends to the end of the next business day.

(3) When the period of time prescribed or allowed is (~~(less than))~~ ten days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(4) The deadline is 5:00 p.m. on the last day of the computed period.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-130 Index of significant decisions.** (1) A final decision may be relied upon, used, or cited as precedent by a party only if the final order has been indexed in the authority's index of significant decisions in accordance with RCW 34.05.473 (1)(b).

(2) An index of significant decisions is available to the public on the health care authority's (HCA) web site. As decisions are indexed they will be available on the web site.

(3) A final decision published in the index of significant decisions may be removed from the index when:

(a) A published decision entered by the court of appeals or the supreme court reverses an indexed final decision; or

(b) HCA determines that the indexed final decision is no longer precedential due to changes in statute, rule, or policy.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2000 Brief adjudicative proceedings.**

Pursuant to RCW 34.05.482, the authority will use brief adjudicative proceedings for issues identified in this chapter when doing so would not violate law, or when protection of the public interest does not require the authority to give notice and an opportunity to participate to persons other than the parties, or the issue and interests involved in the controversy do not warrant use of the procedures of RCW 34.05.413 through ~~((34.05.479))~~ 34.05.476 which govern formal administrative hearings.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2010 Appealing a decision regarding school employees benefits board (SEBB) eligibility, enrollment, premium payments, premium surcharges, a wellness incentive, or the administration of ((school employees benefits board (SEBB))) benefits.** (1) Any current or former school employee of a school employees benefits board (SEBB) organization or their dependent aggrieved by a decision made by the SEBB organization with regard to SEBB eligibility, enrollment, or premium surcharges may appeal that decision to the SEBB organization by the process ~~((outlined))~~ described in WAC 182-32-2020.

**Note:** Eligibility decisions address whether a subscriber or a subscriber's dependent is entitled to SEBB ~~((insurance coverage))~~ benefits, as described in SEBB rules and policies. Enrollment decisions address the application for SEBB benefits as described in SEBB rules and policies including, but not limited to, the submission of proper documentation and meeting enrollment deadlines.

(2) Any subscriber or dependent aggrieved by a decision made by the SEBB program with regard to SEBB eligibility, enrollment, premium payments, or premium surcharges, eligibility to participate in the SEBB wellness incentive program, or eligibility to receive the SEBB wellness incentive, may appeal that decision to the SEBB appeals unit by the process described in WAC 182-32-2030.

(3) Any enrollee aggrieved by a decision regarding the administration of a health plan, life insurance, accidental death and dismemberment (AD&D) insurance, or disability insurance, ~~((or property and casualty insurance))~~ may appeal that decision by following the appeal provisions of those plans, with the exception of:

(a) Enrollment decisions;

(b) Premium payment decisions other than life insurance or AD&D insurance premium payment decisions; and

(c) Eligibility decisions.

(4) Any SEBB enrollee aggrieved by a decision regarding the administration of SEBB property and casualty insurance may appeal that decision by following the appeal provisions of those plans.

(5) Any school employee aggrieved by a decision regarding the administration of a benefit offered under the salary reduction plan may appeal that decision by the process described in WAC 182-32-2050.

(6) Any subscriber aggrieved by a decision made by the SEBB wellness incentive program contracted vendor regarding the completion of the SEBB wellness incentive program requirements, or a request for a reasonable alternative to a wellness incentive program requirement, may appeal that decision by the process described in WAC 182-32-2040.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2020 Appealing a decision made by a school employees benefits board (SEBB) organization about eligibility, premium surcharges, or enrollment in benefits.** (1) An eligibility, premium surcharges, or enrollment decision made by a school employees benefits board (SEBB) organization may be appealed by submitting a written request for administrative review to the SEBB organization. The SEBB organization must receive the request for administrative review no later than thirty days after the date of the denial notice. The contents of the request for administrative review are to be provided as described in WAC 182-32-2070.

(a) Upon receiving the request for administrative review, the SEBB organization ~~((shall))~~ must perform a complete review of the denial by one or more staff who did not take part in the decision resulting in the denial.

(b) The SEBB organization ~~((shall))~~ must render a written decision within thirty days of receiving the written request for administrative review. The written decision ~~((shall))~~ must be sent to the school employee or school employee's dependent who submitted the request for administrative review and must include a description of the appeal rights. The SEBB organization ~~((shall))~~ must also send a copy of the SEBB organization's written decision to the SEBB organization's administrator (or designee) and to the SEBB appeals unit. If the SEBB organization fails to render a written decision within thirty days of receiving the written request for administrative review, the request for administrative review may be considered denied as of the thirtieth day and the original underlying SEBB organization decision may be appealed to the SEBB appeals unit by following the process in this section.

(c) The SEBB organization may reverse eligibility, premium surcharges, or enrollment decisions ~~((based only on circumstances that arose due to delays caused by the SEBB organization or errors made by the SEBB organization))~~ as permitted by WAC 182-30-060.

(2) Any current or former school employee or school employee's dependent who disagrees with the SEBB organization's decision in response to a request for administrative review, as described in subsection (1) of this section, may

request a brief adjudicative proceeding to be conducted by the authority by submitting a request to the SEBB appeals unit.

(a) The SEBB appeals unit must receive the request for a brief adjudicative proceeding no later than thirty days after the date of the SEBB organization's written decision on the request for administrative review. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(i) The SEBB appeals unit ~~((shall))~~ must notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(ii) Once the SEBB appeals unit receives a request for a brief adjudicative proceeding, the SEBB appeals unit will send a request for documentation and information to the applicable SEBB organization. The SEBB organization will then have two business days to respond to the request and provide the requested documentation and information. The SEBB organization will also send a copy of the documentation and information to the ~~((employee, former employee, or the employee's dependent))~~ appellant.

(iii) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(b) If a school employee fails to timely request a brief adjudicative proceeding to appeal the SEBB organization's written decision within thirty days by following the process in subsection (2) of this section, the SEBB organization's prior written decision becomes the ~~((health care))~~ authority's final decision without further action.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2030 Appealing a school employees benefits board (SEBB) program decision regarding eligibility, enrollment, premium payments, ~~((and))~~ premium surcharges, and a SEBB wellness incentive.** (1) A decision made by the school employees benefits board (SEBB) program regarding eligibility, enrollment, premium payments, ~~((or))~~ premium surcharges, or a SEBB wellness incentive may be appealed by submitting a request to the SEBB appeals unit for a brief adjudicative proceeding to be conducted by the authority.

(2) The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(3) The request for a brief adjudicative proceeding from a current or former school employee or school employee's dependent must be received by the SEBB appeals unit no later than thirty days after the date of the denial notice.

(4) The request for a brief adjudicative proceeding from a self-pay enrollee or dependent of self-pay enrollee must be received by the SEBB appeals unit no later than sixty days after the date of the denial notice.

(5) The SEBB appeals unit shall notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(6) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(7) Failing to timely request a brief adjudicative proceeding to appeal a decision made under this section within applicable time frames described in subsections (3) and (4) of this section, will result in the prior decision becoming the authority's final decision without further action.

#### NEW SECTION

**WAC 182-32-2040 How can a subscriber appeal a decision regarding the administration of wellness incentive program requirements?** (1) Any subscriber aggrieved by a decision regarding the completion of the wellness incentive program requirements or request for a reasonable alternative to a wellness incentive program requirement may appeal that decision to the school employees benefits board (SEBB) wellness incentive program contracted vendor.

(2) Any subscriber who disagrees with a decision in response to an appeal filed with the SEBB wellness incentive program contracted vendor may appeal the decision by submitting a request for a brief adjudicative proceeding to the SEBB appeals unit.

(a) The request for a brief adjudicative proceeding from a current or former employee must be received by the SEBB appeals unit no later than thirty days after the date of the denial notice. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(b) The request for a brief adjudicative proceeding from a self-pay subscriber must be received by the SEBB appeals unit no later than sixty days after the date of the denial notice. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(3) The SEBB appeals unit shall notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(4) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(5) If a subscriber fails to timely request a brief adjudicative proceeding of a decision made under subsection (1) of this section within thirty days by following the process in WAC 182-32-2020(2), the decision of the SEBB wellness incentive program contracted vendor becomes the authority's final decision.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2050 How can a school employee appeal a decision regarding the administration of benefits offered under the salary reduction plan?** (1) Any school employee who disagrees with a decision that denies eligibility for, or enrollment in, a benefit offered under the salary reduction plan may appeal that decision by submitting a written request for administrative review to their school employees benefits board (SEBB) organization. The SEBB organization must receive the written request for administrative review no later than thirty days after the date of the decision resulting in denial. The contents of the written request for administrative review are to be provided as described in WAC 182-32-2070.

(a) Upon receiving the written request for administrative review, the SEBB organization shall perform a complete review of the denial by one or more staff who did not take part in the decision resulting in the denial.

(b) The SEBB organization shall render a written decision within thirty days of receiving the written request for administrative review. The written decision shall be sent to the school employee who submitted the written request for review and must include a description of appeal rights. The SEBB organization shall also send a copy of the SEBB organization's written decision to the SEBB organization's administrator (or designee) and to the SEBB appeals unit. If the SEBB organization fails to render a written decision within thirty days of receiving the written request for administrative review, the request for administrative review may be considered denied as of the thirtieth day and the original underlying SEBB organization decision may be appealed to the SEBB appeals unit by following the process in this section.

(2) Any school employee who disagrees with the SEBB organization's decision in response to a written request for administrative review, as described in this section, may request a brief adjudicative proceeding to be conducted by the authority by submitting a written request to the SEBB appeals unit.

(a) The SEBB appeals unit must receive the request for a brief adjudicative proceeding no later than thirty days after the date of the SEBB organization's written decision on the request for administrative review. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(i) The SEBB appeals unit shall notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(ii) Once the SEBB appeals unit receives a request for a brief adjudicative proceeding, the SEBB appeals unit will send a request for documentation and information to the applicable SEBB organization. The SEBB organization will then have two business days to respond to the request and provide the documentation and information requested. The SEBB organization will also send a copy of the documentation and information to the school employee.

(iii) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(b) If a school employee fails to timely request a brief adjudicative proceeding to appeal a decision made under this section within thirty days by following the process described in this subsection, the SEBB organization's prior written decision becomes the authority's final decision without further action ~~((by the authority))~~.

(3) Any school employee aggrieved by a decision regarding a claim for benefits under the medical flexible spending arrangement (FSA) or dependent care assistance program (DCAP) offered under the salary reduction plan may appeal that decision to the HCA contracted vendor by following the appeal process of that contracted vendor.

(a) Any school employee who disagrees with a decision in response to an appeal filed with the contracted vendor that administers the medical FSA and DCAP under the salary reduction plan may request a brief adjudicative proceeding by submitting a written request to the SEBB appeals unit. The

SEBB appeals unit must receive the request for a brief adjudicative proceeding no later than thirty days after the date of the contracted vendor's appeal decision. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-32-2070.

(i) The SEBB appeals unit shall notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(ii) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(b) If a school employee fails to timely request a brief adjudicative proceeding to appeal a decision made under this section within thirty days by following the process described in this subsection, the contracted vendor's prior written decision becomes the health care authority (HCA) final decision.

(4) Any school employee aggrieved by a decision regarding the administration of the premium payment plan offered under the salary reduction plan may request a brief adjudicative proceeding to be conducted by the HCA by submitting a written request to the SEBB appeals unit for a brief adjudicative proceeding.

(a) The SEBB appeals unit must receive the request for a brief adjudicative proceeding no later than thirty days after the date of the denial notice by the SEBB program. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-16-2070.

(i) The SEBB appeals unit shall notify the appellant in writing when the notice of appeal has been received.

(ii) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(b) If a school employee fails to timely request a brief adjudicative proceeding to appeal a decision made under this section within thirty days by following the process described in this subsection, the SEBB program's written decision becomes the authority's final decision.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2080 Who can appeal or represent a party in a brief adjudicative proceeding?** (1) The appellant may act as their own representative or may choose to be represented by another person, except that employees of the health care authority (HCA) or HCA's authorized agents may not represent an appellant, unless approved by a presiding officer or review officer.

(2) If the appellant is represented by a person who is not an attorney admitted to practice in Washington state, the representative must provide the presiding officer and other parties with the representative's name, address, and telephone number. In cases involving confidential information, the non-attorney representative must provide the school employees benefits board (SEBB) appeals unit and other parties with a signed, written consent permitting release to the nonattorney representative of the appellant's ~~((personal))~~ health information protected by state or federal law.

(3) An attorney admitted to practice law in Washington state representing the appellant must file a written notice of appearance containing the attorney's name, address, and telephone number with the presiding officer's office and serve all

parties with the notice. In cases involving confidential information, the attorney must provide the SEBB appeals unit and other parties with a signed, written consent permitting release to the attorney of the appellant's ((personal)) health information protected by state or federal law. If the appellant's attorney representative no longer represents the appellant, then the attorney must file a written notice of withdrawal of representation with the presiding officer or review officer or officer's office and serve all parties with the notice.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2085 Continuances.** The presiding officer, review officer or officers may grant in their sole discretion, a request for a continuance on motion of the appellant, the authority, or on ((its)) their own motion. The continuance may be up to thirty calendar days.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2100 How to request a review of an initial order resulting from a brief adjudicative proceeding.**

(1) An appellant who has received an initial order upholding a school employees benefits board (SEBB) organization decision, SEBB program decision, or a decision made by SEBB program contracted vendor, may request review of the initial order by the authority. The appellant must file a written request for review of the initial order or make an oral request for review of the initial order with the SEBB appeals unit within twenty-one days after service of the initial order. The written or oral request for review of the initial order must be provided using the contact information included in the initial order. If the appellant fails to request review of the initial order within twenty-one days, the order becomes the final order without further action by the authority.

(2) Upon timely request by the appellant, a review of an initial order will be performed by one or more review officers designated by the director of the authority.

(3) If the appellant ((have)) has not requested review, the authority may review an order resulting from a brief adjudicative proceeding on its own motion, and without notice to the parties, but it may not take action on review less favorable to any party than the initial order without giving that party notice and an opportunity to explain that party's view of the matter.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2105 Withdrawing the request for a brief adjudicative proceeding or review of an initial order.**

(1) The appellant may withdraw the request for a brief adjudicative proceeding or review of an initial order for any reason, and at any time, by contacting the school employees benefits board (SEBB) appeals unit. The SEBB appeals unit will present the withdrawal request to the presiding officer or review officer or officers.

(2) The request for withdrawal must be made in writing.

(3) After a withdrawal request is received, the presiding officer or review officer or officers must enter and serve a written order dismissing the ((appeal)) brief adjudicative proceeding or review of an initial order.

(4) If an appellant withdraws a request for a brief adjudicative proceeding or review of an initial order, the appellant may not reinstate the request for a brief adjudicative proceeding or review of an initial order unless time remains on their original appeal period.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2120 Request for reconsideration.** (1) A request for reconsideration asks the review officer or officers to reconsider the final order because the party believes the review officer or officers made a mistake of law, mistake of fact, or clerical error.

(2) A request for reconsideration must state in writing why the party wants the final order to be reconsidered.

(3) Requests for reconsideration must be filed with the review officer or officers who entered the final order.

(4) If a party files a request for reconsideration:

(a) The review officer or officers must receive the request for reconsideration on or before the tenth business day after the service date of the final order;

(b) The party filing the request must send copies of the request to all other parties; and

(c) Within five business days of receiving a request for reconsideration, the review officer or officers must serve to all parties a notice that provides the date the request for reconsideration was received.

(5) The other parties may respond to the request for reconsideration. The response must state in writing why the final order should stand. Responses are optional. If a party chooses not to respond, that party will not be prejudiced because of that choice.

(a) Responses to a request for reconsideration must be received by the review officer or officers no later than seven business days after the service date of the review officer or officers' notice as described in subsection (4)(c) of this section, or the response will not be considered.

(b) Service of responses to a request for reconsideration must be made to all parties.

(6) If a party needs more time to file a request for reconsideration or respond to a request for reconsideration, the review officer or officers may extend the required time frame if the party makes a written request providing a good reason for the request within the required time frame.

(7) Unless the request for reconsideration is denied as untimely filed under subsection (4)(a) of this section, the same review officer or officers who entered the final order, if reasonably available, will also consider the request as well as any responses received.

(8) The decision on the request for reconsideration must be in the form of a written order denying the request, granting the request in whole or in part and issuing a new written final order, or granting the petition and setting the matter for further hearing.

(9) If the review officer or officers do not send an order on the request for reconsideration within twenty calendar days of the date of the notice described in subsection (4)(c) of this section, the request is deemed denied.

(10) If any party files a request for reconsideration of the final order, the reconsideration process must be completed before any judicial review may be requested. However, the filing of a petition for reconsideration is not required before requesting judicial review.

(11) An order denying a request for reconsideration is not subject to judicial review.

(12) No evidence may be offered in support of a motion for reconsideration, except newly discovered evidence that is material for the party moving for reconsideration and that the party could not with reasonable diligence have discovered and produced ~~((at the hearing or before the ruling on a dispositive motion))~~ prior to the final order being issued.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2130 Judicial review of final order.** (1) Judicial review is the process of appealing a final order to a court.

(2) The appellant may appeal a final order by filing a written petition for judicial review that meets the requirements of RCW ~~((34.05.546.))~~ 34.05.510 through 34.05.598. Neither the school employees benefits board (SEBB) program nor a SEBB organization may ~~((not))~~ request judicial review.

~~((3) The appellant should consult RCW 34.05.510 through 34.05.598 for further details and requirements of the judicial review process.))~~

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2150 Review officer or officers—Designation and authority.** (1) The designation of a review officer or officers shall be consistent with the requirements of RCW 34.05.491 and the review officer or officers shall not have personally participated in the decision made by the school employees benefits board (SEBB) organization or SEBB program.

(2) The review officer or officers shall review the initial order and the record to determine if the initial order was correctly decided.

(3) The review officer or officers will issue a final order that will either:

- (a) Affirm the initial order in whole or in part; or
- (b) Reverse the initial order in whole or in part; or
- (c) Refer the matter for a formal administrative hearing;

or

- (d) Remand to the presiding officer in whole or in part.

(4) A review officer or officers are limited to those powers granted by the state constitution, statutes, rules, or applicable case law.

(5) A review officer or officers may not decide that a rule is invalid or unenforceable.

(6) In addition to the record, the review officer or officers may employ the ~~((authority))~~ authority's expertise as a basis for the decision.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-2160 Conversion of a brief adjudicative proceeding to a formal administrative hearing.** (1) The presiding officer or the review officer or officers, in their sole discretion, may convert a brief adjudicative proceeding to a formal administrative hearing at any time on motion by the subscriber or enrollee or their representative, the authority, or on the presiding officer or review officer or officers' own motion.

(2) The presiding or review officer or officers must convert the brief adjudicative proceeding to a formal administrative hearing when it is found that the use of the brief adjudicative proceeding violates any provision of law, when the protection of the public interest requires the authority to give notice and an opportunity to participate to persons other than the parties, or when the issues and interests involved in the controversy warrant the use of the procedures ~~((of))~~ of RCW 34.05.413 through ~~((34.05.479))~~ 34.05.476 that govern formal administrative hearings.

(3) When a brief adjudicative proceeding is converted to a formal administrative hearing, the director ~~((may become the hearing officer or may))~~ designates a ~~((replacement))~~ hearing officer to conduct the formal administrative hearing upon notice to the subscriber or enrollee and the authority.

(4) When a brief adjudicative proceeding is converted to a formal administrative hearing, WAC 182-32-010 through 182-32-130 and WAC 182-32-3000 through 182-32-3200 apply to the formal administrative hearing.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3000 Formal administrative hearings.** (1) When a brief adjudicative proceeding is converted to a formal administrative hearing consistent with WAC ~~((182-32-3160))~~ 182-32-2160, the director designates a hearing officer to conduct the formal administrative hearing.

(2) Formal administrative hearings are conducted consistent with the Administrative Procedure Act, RCW 34.05.413 through ~~((34.05.479))~~ 34-05-476.

(3) Part III describes the general rules and procedures that apply to school employees benefits board (SEBB) benefits formal administrative hearings.

(a) This Part III supplements the Administrative Procedure Act (APA), chapter 34.05 RCW, and the model rules of procedure in chapter 10-08 WAC. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use by the authority in school employees benefits board (SEBB) benefits formal administrative hearings. Other procedural rules adopted in chapters 182-30, 182-31, and 182-32 WAC are supplementary to the model rules of procedure.

(b) In the case of a conflict between the model rules of procedure and this Part III, the procedural rules adopted in this Part III shall govern.

(c) If there is a conflict between this Part III and specific SEBB program rules, the specific SEBB program rules prevail. SEBB program rules are found in chapters 182-30 and 182-31 WAC.

(d) Nothing in this Part III is intended to affect the constitutional rights of any person or to limit or change additional requirements imposed by statute or other rule. Other laws or rules determine if a hearing right exists, including the APA and program rules or laws.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3010 Requirements to appear and represent a party in the formal administrative hearing process.** (1) All parties must provide the hearing officer and all other parties with their name, address, and telephone number.

(2) The appellant may act as their own representative or have another person represent them, except that employees of the health care authority (HCA) or HCA's authorized agents may not represent an appellant, unless approved by a hearing officer.

(3) If the appellant is represented by a person who is not an attorney admitted to practice in Washington state, the representative must provide the hearing officer and all other parties with the representative's name, address, and telephone number. In cases involving confidential information, the non-attorney representative must provide the HCA hearing representative with a signed, written consent permitting release to the nonattorney representative of ~~((personal))~~ health information protected by state or federal law.

(4) An attorney admitted to practice law in Washington state, who wishes to represent the appellant, must file a written notice of appearance containing the attorney's name, address, and telephone number with the hearing officer's office and serve all parties with the notice. In cases involving confidential information, the attorney representative must provide the HCA hearing representative with a signed, written consent permitting release to the attorney representative of the appellant's ~~((personal))~~ health information protected by state or federal law. If the appellant's attorney representative no longer represents the appellant, then the attorney must file a written notice of withdrawal of representation with the hearing officer's office and serve all parties with the notice.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3030 Authority of the hearing officer.**

(1) A hearing officer must hear and decide the issues ~~((de novo (anew)))~~ based on the evidence and oral or written arguments presented during a formal administrative hearing and admitted into the record.

(2) A hearing officer has no inherent or common law powers, and is limited to those powers granted by the state constitution, statutes, or rules.

(3) A hearing officer may not decide that a rule is invalid or unenforceable. If the validity of a rule is raised during a

formal administrative hearing, the hearing officer may allow argument only to preserve the record for judicial review.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3080 Time requirements for service of notices made by the hearing officer.** (1) The hearing officer or their designee must serve a notice of a formal administrative hearing to all parties and their representatives at least twenty-one calendar days before the hearing date. The parties may agree to, but the hearing officer cannot impose, a shorter notice period.

(2) If a prehearing conference or dispositive motion hearing is scheduled, the hearing officer must serve a notice of the prehearing conference or dispositive motion hearing to the parties and their representatives at least seven business days before the date of the prehearing conference or dispositive motion hearing except:

(a) The hearing officer may change any scheduled formal administrative hearing into a prehearing conference or dispositive motion hearing and provide less than seven business days' notice of the prehearing conference or dispositive motion hearing; and

(b) The hearing officer may give less than seven business days' notice if the only purpose of the prehearing conference is to consider whether to grant a continuance.

(3) The hearing officer must reschedule a formal administrative hearing if necessary to comply with the notice requirements in Part III of this chapter.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3100 Rescheduling and continuances for formal administrative hearings.** (1) Any party may request the hearing officer to reschedule a formal administrative hearing if a rule requires notice of a hearing and the amount of notice required was not provided.

(a) The hearing officer must reschedule the formal administrative hearing under circumstances identified in this ~~((subsection))~~ chapter if requested by any party.

(b) The parties may agree to shorten the amount of notice required by any rule.

(2) Any party may request a continuance of a formal administrative hearing either orally or in writing.

(a) In each formal administrative hearing, the hearing officer must grant each party's first request for a continuance. The continuance may be up to thirty calendar days.

(b) The hearing officer may grant each party up to one additional continuance of up to thirty calendar days because of extraordinary circumstances ~~((established at a proceeding))~~.

(c) After granting a continuance, the hearing officer or their designee must:

(i) Immediately telephone all other parties to inform them the hearing was continued; and

(ii) Serve an order of continuance on the parties no later than fourteen days before the new hearing date. All orders of continuance must provide a new deadline for filing documents with the hearing officer. The new filing deadline can

be no less than ten calendar days prior to the new formal administrative hearing date. If the continuance is granted pursuant to (b) of this subsection, then the order of continuance must also include findings of fact that state with specificity the extraordinary circumstances for which the hearing officer granted the continuance.

(3) Regardless of whether a party has been granted a continuance as described in subsection ~~((+))~~ (2)(b) of this section, the hearing officer must grant a continuance if a new material issue is raised during the formal administrative hearing and a party requests a continuance.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3120 Dispositive motions.** (1) A dispositive motion could dispose of one or all the issues in a formal administrative hearing, such as a motion to dismiss or motion for summary judgment.

(2) To request a dispositive motion hearing a party must file a written dispositive motion with the hearing officer and serve a copy of the motion to all other parties. The hearing officer may also set a dispositive motion hearing, and request briefing from the parties, to address any possible dispositive issues the hearing officer believes must be addressed before the hearing.

(3) The deadline to file a timely dispositive motion shall be ten calendar days before the scheduled hearing.

(4) Upon receiving a dispositive motion, a hearing officer:

(a) Must convert the scheduled hearing to a dispositive motion hearing when:

(i) The dispositive motion is timely filed with the hearing officer at least ten calendar days before the date of the hearing; and

(ii) The party filing the dispositive motion has not previously filed a dispositive motion.

(b) May schedule a dispositive motion hearing in all instances other than described in (a) of this subsection.

(5) The hearing officer may conduct the dispositive motion hearing in person or by telephone conference. For dispositive motion hearings scheduled to be held in person, the health care authority (HCA) hearing representative may choose to attend and participate in person or by telephone conference call.

(6) The party requesting the dispositive motion hearing must attend and participate in the dispositive motion hearing in person or by telephone. If the party requesting the motion hearing does not attend and participate in the dispositive motion hearing, the hearing officer will enter an order ~~((of default))~~ dismissing the dispositive motion.

(7) During a dispositive motion hearing, the hearing officer can only consider the filed dispositive motions, any response to the motions, evidence submitted to support or oppose the motions, and argument on the motions. Prior to rescheduling any necessary hearings, the hearing officer must serve a written order on the dispositive motions.

(8) The hearing officer must serve the written order on the dispositive motions to all parties no later than eighteen calendar days after the dispositive motion hearing is held.

Orders on dispositive motions are subject to motions for reconsideration or petitions for judicial review as described in WAC 182-32-2120 and 182-32-2130.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3130 Subpoenas.** (1) Hearing officers, the health care authority (HCA) hearing representative, and attorneys for the parties may prepare subpoenas as described in Washington state civil rule 45, unless otherwise prohibited by law. Any party may request the hearing officer prepare a subpoena on their behalf.

(2) The hearing officer may schedule a prehearing conference to decide whether to issue a subpoena.

(3) If a party requests the hearing officer prepare a subpoena on its behalf, the party is responsible for:

(a) Service of the subpoena; and

(b) Any costs associated with:

(i) Compliance with the subpoena; and

(ii) Witness fees as described in RCW 34.05.446(7).

(4) Service of a subpoena must be made by a person who is at least eighteen years old and not a party to the hearing. Service of the subpoena is complete when the person serving the subpoena:

(a) Gives the person or entity named in the subpoena a copy of the subpoena; or

(b) Leaves a copy of the subpoena with a person over the age of eighteen at the residence or place of business of the person or entity named in the subpoena.

(5) To prove service of a subpoena on a witness, the person serving the subpoena must file with the hearing officer's office a signed, written, and dated statement that includes:

(a) The name of the person to whom service of the subpoena occurred;

(b) The date of the service of the subpoena occurred;

(c) The address where the service of the subpoena occurred; and

(d) The name, age, and address of the person who provided service of the subpoena.

(6) A ~~((party))~~ person or entity subject to or affected by the subpoena may request the hearing officer quash (set aside) or change a subpoena request at any time before the deadline given in the subpoena.

(7) A hearing officer may quash (set aside) or change a subpoena if it is unreasonable.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3140 Orders of dismissal—Reinstating a formal administrative hearing after an order of dismissal.** (1) An order of dismissal is an order from the hearing officer ending the matter. The order is entered because the party who made the appeal withdrew from the proceeding, the appellant is no longer aggrieved, the hearing officer granted a dispositive motion dismissing the matter, or the hearing officer entered an order of default because the party who made the appeal failed to attend or refused to participate in a prehearing conference or the formal administrative hearing.



(2) The order of dismissal becomes a final order if no party files a request to vacate the order as described in subsections (3) through (7) of this section.

(3) If the hearing officer enters and serves an order dismissing the formal administrative hearing, the appellant may file a written request to vacate (set aside) the order of dismissal. Upon receipt of a request to vacate an order of dismissal, the hearing officer must schedule and serve notice of a prehearing conference as described in WAC 182-32-3080. At the prehearing conference, the party asking that the order of dismissal be vacated has the burden to show good cause according to subsection (8) of this section for an order of dismissal to be vacated and the matter to be reinstated.

(4) The request to vacate an order of dismissal must be filed with the hearing officer and the other parties. The party requesting that an order of dismissal be vacated should specify in the request why the order of dismissal should be vacated.

(5) The request to vacate an order of dismissal must be filed with the hearing officer no later than twenty-one calendar days after the date the order of dismissal was entered. If no request is received within that deadline, the dismissal order becomes ~~((a final order and the final order will stand))~~ the health care authority's final decision without further action.

(6) ~~((H))~~ The hearing officer ~~((finds))~~ will consider if there is good cause, as described in subsection (8) of this section, for the order of dismissal to be vacated~~((;))~~. The hearing officer must enter and serve a written order ~~((to the parties))~~ setting forth the findings of fact~~((;))~~ and conclusions of law~~((; and reinstatement of))~~ supporting the decision of whether to reinstate the matter.

(7) If the order of dismissal is vacated, the hearing officer will conduct a formal administrative hearing at which the parties may present argument and evidence about issues raised in the original appeal. The formal administrative hearing may occur immediately following the prehearing conference on the request to vacate only if agreed to by the parties and the hearing officer, otherwise a formal administrative hearing date must be scheduled by the hearing officer.

(8) Good cause is a substantial reason or legal justification for failing to appear, act, or respond to an action using the provisions of superior court civil rule 60 as a guideline. This good cause exception applies only to this chapter. This good cause exception does not apply to any other chapter or chapters in Title 182 WAC.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3180 Request for reconsideration and response—Process.** (1) A request for reconsideration asks the hearing officer to reconsider the final order because the party believes the hearing officer made a mistake of law, mistake of fact, or clerical error.

(2) A request for reconsideration must state in writing why the party wants the final order to be reconsidered.

(3) Requests for reconsideration must be filed with the hearing officer who entered the final order.

(4) If a party files a request for reconsideration:

(a) The hearing officer must receive the request for reconsideration on or before the tenth business day after the service date of the final order;

(b) The party filing the request must serve copies of the request on ~~((to))~~ all other parties on the same day the request is served on the hearing officer; and

(c) Within five business days of receiving a request for reconsideration, the hearing officer must serve to all parties a notice that provides the date the request for reconsideration was received.

(5) The other parties may respond to the request for reconsideration. The response must state in writing why the final order should stand. Responses are optional. If a party chooses not to respond, that party will not be prejudiced because of that choice.

(a) Responses to a request for reconsideration must be received by the hearing officer no later than seven business days after the service date of the hearing officer's notice as described in subsection (4)(c) of this section, or the response will not be considered.

(b) Service of responses to a request for reconsideration must be made to all parties.

(6) If a party needs more time to file a request for reconsideration or respond to a request for reconsideration, the hearing officer may extend the required time frame if the party makes a written request providing a good reason for the request within the required time frame.

(7) No evidence may be offered in support of a motion for reconsideration, except newly discovered evidence that is material for the party moving for reconsideration and that the party could not ~~((with reasonable diligence))~~ have reasonably discovered and produced at the hearing or before the ruling on a dispositive motion.

**AMENDATORY SECTION** (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3190 Decisions on requests for reconsideration.** (1) Unless the request for reconsideration is denied as untimely filed under WAC 182-32-3180, the same hearing officer who entered the final order, if reasonably available, will also dispose of the request as well as any responses received.

(2) The decision on the request for reconsideration must be in the form of a written order denying or granting the request in whole or in part and if the request is granted issuing a new written final order.

(3) If the hearing officer does not send an order on the request for reconsideration within twenty calendar days of the date of the notice described in WAC ~~((182-32-2120))~~ 182-32-3180 (4)(c), the request is deemed denied.

(4) If any party files a request for reconsideration of the final order, the reconsideration process must be completed before any judicial review may be requested. However, the filing of a request for reconsideration is not required before requesting judicial review.

(5) An order denying a request for reconsideration is not subject to judicial review.

AMENDATORY SECTION (Amending WSR 19-01-055, filed 12/14/18, effective 1/14/19)

**WAC 182-32-3200 Judicial review of final order.** (1) Judicial review is the process of appealing a final order to a court.

(2) The appellant may appeal a final order by filing a written petition for judicial review that meets the requirements of RCW ((34.05.546)) 34.05.510 through 34.05.598. The school employees benefits board (SEBB) program may not request judicial review.

(3) The appellant should consult RCW 34.05.510 through 34.05.598 for further details and requirements of the judicial review process.

**WSR 19-11-126**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed May 22, 2019, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-140 on July 23, 2019.

Title of Rule and Other Identifying Information: The department is amending several regulations in chapter 220-354 WAC that affect commercial salmon fishing in the Puget Sound and include the following: WAC 220-301-030 Puget Sound salmon management and catch reporting area, 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-210 Puget Sound salmon—Beach seine—Open periods, 220-354-310 Puget Sound—Salmon preserve—Drayton Harbor, 220-354-320 Puget Sound—Salmon preserve—San Juan Island, 220-354-330 Puget Sound—Salmon preserve—Strait of Juan de Fuca, and 220-354-340 Puget Sound—Area 7A salmon fishery separation lines.

Hearing Location(s): On June 25, 2019, from 9:00 a.m. until 11:00 a.m., at the Natural Resources Building, Room 682, 1111 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: June 26, 2019.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, P.O. Box 43152 [43200], Olympia, WA 98501-3200, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by June 24, 2019.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by June 24, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable fish in commercial salmon fisheries in Puget Sound while protecting species of fish listed as endangered.

Reasons Supporting Proposal: The reason is to protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory Authority for Adoption: RCW 77.12.045, 77.12.047, and 77.04.020.

Statute Being Implemented: RCW 77.12.045, 77.12.047, and 77.04.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: David Low, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2717; Implementation: Ron Warren, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2799; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes do not affect hydraulics.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any additional equipment, supplies, labor, or administrative costs.

May 22, 2019

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-18-078, filed 9/4/18, effective 10/5/18)

**WAC 220-301-030 Puget Sound salmon management and catch reporting areas.** (1) **Area 4B** shall include those waters of Puget Sound easterly of a line projected from ((the ~~Carmanah Point Light (Light List No. 16140 Fl.5s182ft19M, 48°36'42.4"N, 124°45'04.8"W))~~) Bonilla Point (48°35'43.5"N, 124°42'59.7"W) on Vancouver Island to the Cape Flattery Light on Tatoosh Island (Light List No. 16145 Fl(2)20s112ft 14M, 48°23'31.2"N, 124°44'12.9"W), thence to the most westerly point on Cape Flattery (48°22'52.1"N, 124°43'54.3"W) and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W).

(2) **Area 5** shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W) and westerly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W).

(3) **Area 6** shall include those waters of Puget Sound easterly of a line projected from the Angeles Point (48°09'03.3"N, 123°33'11.6"W) to the Race Rock Light (Light List No. 16225 FlW10s118ft19M, 48°17'52.9"N, 123°31'53.1"W), northerly of a line projected from the New

Dungeness Light (Light List No. 16335 F1W5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the Point Partridge Light (Light List No. 16400 F1W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the Point Partridge Light (Light List No. 16400 F1.W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 F110s97ft.14M, 48°19'14.4"N, 122°49'51.4"W), and southerly of a line projected from the Smith Island Light (Light List No. 16375 F1.10s97ft.14M, 48°19'14.4"N, 122°49'51.4"W) to Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 F1Y2s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Trial Island Light (Light List No. 16265 F1G5s93ft13M, 48°23'42.3"N, 123°18'18.6"W).

(4) **Area 6A** shall include those waters of Puget Sound easterly of a line projected from the Point Partridge Light (Light List No. 16400 F1W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 F110s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the northeasterly of the Lawson Reef Junction Lighted Bell Buoy (Light List No. 19320 RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on Fidalgo Island (48°25'14.2"N, 122°40'04.5"W) and westerly of a line projected from Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W) to West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W).

(5) **Area 6B** shall include those waters of Puget Sound southerly of a line projected from the New Dungeness Light (Light List No. 16335 F1W5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the Point Partridge Light (Light List No. 16400 F1W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the Point Partridge Light (Light List No. 16400 F1W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W) and easterly of a line projected 154 degrees true from New Dungeness Light (Light List No. 16335 F1W5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(6) **Area 6C** shall include those waters of Puget Sound easterly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W) and westerly of a line projected from the Angeles Point (48°09'03.3"N, 123°33'11.6"W) to the Race Rock Light (Light List No. 16225 F1W10s118ft19M).

(7) **Area 6D** shall include those waters of Puget Sound westerly of a line projected 155 degrees true from New Dungeness Spit Light (Light List No. 16335 F1W5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(8) **Area 7** shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (Light List No. 19880 F1R 4s 16ft 4M "2," 48°47'12.4"N, 122°42'44.7"W), northerly of a line projected from the Trial Island Light (Light List No. 16265 F1G5s93ft13M, 48°23'42.3"N, 123°18'18.6"W) to the Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 F1Y2.5s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Smith Island Light (Light List No. 16375 F110s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the

Lawson Reef lighted buoy (RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on Fidalgo Island (48°25'14.2"N, 122°40'04.5"W), and westerly of a line projected from Sandy Point Light 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shore-line of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point (48°35'18.6"N, 122°38'35.1"W) on Guemes Island following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), excluding those waters of East Sound northerly of a line projected true west from Rosario Point on Orcas Island (48°38'36.5"N, 122°52'26.2"W).

(9) **Area 7A** shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W), terminating on the west at the International Boundary and on the east at the landfall on Sandy Point.

(10) **Area 7B** shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Gooseberry Point (48°43'56.7"N, 122°40'22.0"W), easterly of a line projected from Sandy Point Light 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley on Lummi Island (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shoreline of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point on Guemes Island (48°35'18.6"N, 122°38'35.1"W) following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel (48°27'29.1"N, 122°30'54.0"W) and westerly of a line projected from William Point Light (Light List No. 19018 F1G6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28 degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay and westerly of the Whatcom Creek Waterway, defined as a line projected approximately 14 degrees true from the southwest end of the Port of Bellingham North Terminal (48°44'38.6"N, 122°29'46.1"W) to the southernmost point of the dike surrounding the Georgia Pacific Treatment Pond (48°44'51.5"N, 122°29'38.6"W).

(11) **Area 7C** shall include those waters of Puget Sound easterly of a line projected from William Point Light 3 (Light List No. 19018 F1G6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28 degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay.

(12) **Area 7D** shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Gooseberry

Point (48°43'56.7"N, 122°40'22.0"W) and south of a line projected true east from Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Sandy Point (48°47'12.5"N, 122°42'36.1"W).

(13) **Area 7E** shall include those waters of Puget Sound within East Sound northerly of a line projected true west from Rosario Point (48°38'36.5"N, 122°52'26.2"W) on Orcas Island.

(14) **Area 8** shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W) to Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W), westerly of a line projected from East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) 340 degrees true to Camano Island Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) **Area 8A** shall include those waters of Puget Sound easterly of a line projected from the East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) on Whidbey Island 340 degrees true to Camano Island Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W), northerly of a line projected from the southern tip of Possession Point 110 degrees true to the shipwreck on the opposite shore (47°53'35.1"N, 122°19'42.8"W), southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) **Area 8D** shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Beach, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) **Area 9** shall include those waters of Puget Sound southerly and easterly of a line projected from the Point Partridge Light (Light List No. 16400 F15s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W), northerly of the Hood Canal Bridge, northerly of a line projected true west from the shoreward end of Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W), southerly of a line projected from the southern tip of Possession Point 110 degrees true to the shipwreck (47°53'35.1"N, 122°19'42.8"W) on the opposite shore and northerly of a line projected from the Apple Cove Point Light (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the Edmonds South Breakwater Light (Light List No. 16705 FIY4s18ftPriv, 47°48'25.0"N, 122°23'43.0"W) at Edwards Point.

(18) **Area 9A** shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W).

(19) **Area 10** shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the light (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W), westerly of a line projected 43 degrees true from the Shilshole Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the northeastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W), westerly of a line projected 185 degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 FIW2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W), northerly of a true east-west line projected through the Point Vashon Light (Light List No. 17100 FIW4s17ft7M, 47°30'49.3"N, 122°28'23.4"W) from Southworth (47°30'49.2"N, 122°29'57.0"W), to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), easterly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(20) **Area 10A** shall include those waters of Puget Sound easterly of a line projected 185 degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 FIW2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W).

(21) **Area 10C** shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) **Area 10D** shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) **Area 10E** shall include those waters of Puget Sound westerly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(24) **Area 10F** shall include those waters of Puget Sound easterly of a line projected 43 degrees true from the Shilshole Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the North Eastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W) and those waters of the Lake Washington Ship Canal westerly of a line projected true south from Webster Point (47°38'53.0"N, 122°16'37.1"W) to the Evergreen Point Floating Bridge including the waters of

Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) **Area 10G** shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point (47°38'53.0"N, 122°16'37.1"W) true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) **Area 11** shall include those waters of Puget Sound southerly of a true east-west line projected through the Point Vashon Light (Light List No. 17100 F1W4s17ft7M), from Southworth (47°30'49.2"N, 122°29'57.0"W) to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), northerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W), and northerly of the Tacoma Narrows Bridge.

(27) **Area 11A** shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W).

(28) **Area 12** shall include those waters of Puget Sound southerly of the site of the Hood Canal Bridge and northerly and easterly of a line projected from the Tskutsko Point Light (Light List No. 17865 F14s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(29) **Area 12A** shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) **Area 12B** shall include those waters of Puget Sound southerly of a line projected true east from Pulali Point (47°44'15.3"N, 122°52'5.9"W) to landfall on Toandos Peninsula (47°44'09.9"N, 122°48'23.1"W), northerly of a line projected true east from Ayock Point (47°30'25.8"N, (423°31'45.7"W)) 123°03'15.8"W) to landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W), and westerly of a line projected from the Tskutsko Point Light (Light List No. 17865 F14s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(31) **Area 12C** shall include those waters of Puget Sound southerly of a line projected true east from Ayock Point (47°30'25.8"N, 123°31'15.7"W) to landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W) and northerly and westerly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the Union Boat Launch (47°21'27.5"N, 123°6'1.9"W).

(32) **Area 12D** shall include those waters of Puget Sound easterly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the Union Boat Launch (47°21'27.5"N, 123°06'01.9"W).

(33) **Area 13** shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W) and northerly and easterly of a line projected from the Devil's Head Light (Light List No. 17365 FIR6s164M"4," 47°09'58.9"N,

122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through the Nisqually Flats Light 3 (Light List No. 17360 F1G4s15ft4M"3") to landfall (47°06'40.7"N, 122°45'08.8"W) and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) **Area 13A** shall include those waters of Puget Sound northerly of a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W).

(35) **Area 13C** shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) **Area 13D** shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light (Light List No. 17365 FIR6s164M"4," 47°09'58.9"N, 122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through the Nisqually Flats Light 3 (Light List No. 17360 F1G4s15ft4M"3," 47°07'15"N, 122°45'0.1"W) to landfall (47°06'40.7"N, 122°45'08.8"W), northerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W), northerly of a line projected 291 degrees true from Dofflemeyer Point Light (Light List No. 17400 F14s30ft7M, 47°09'58.9"N, 122°45'53.3"W) through Cooper Point (47°08'44.2"N, 122°55'33.4"W), to the southeastern shore of Hunter Point (47°8'55.9"N, 122°56'18.1"W), easterly of a line projected 005 degrees true from the northern tip of Steamboat Island (47°11'12.3"N, 122°56'20.6"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and southerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

(37) **Area 13E** shall include those waters of Puget Sound southerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W).

(38) **Area 13F** shall include those waters of Puget Sound southerly of a line projected from Dofflemeyer Point Light (Light List No. 17400 F14s30ft7M, 47°08'25.8"N, 122°54'26.2"W) to Cooper Point (47°08'44.2"N, 122°55'33.4"W).

(39) **Area 13G** shall include those waters of Puget Sound southerly of a line projected 291 degrees true from Cooper Point (47°08'44.2"N, 122°55'33.4"W) to the southeastern shore of Hunter Point (47°8'55.9"N, 122°56'18.1"W).

(40) **Area 13H** shall include those waters of Puget Sound southwestly of a line projected 005 degrees true from the northern tip of Steamboat Island (47°11'12.3"N, 122°56'20.6"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and those waters easterly of a line projected 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(41) **Area 13I** shall include those waters of Puget Sound southwestly of a line projected 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(42) **Area 13J** shall include those waters of Puget Sound, Hammersley Inlet and Oakland Bay, westerly of a line projected from the Arcadia Point Boat Launch (47°11'51.4"N,

122°56'18.5"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W).

(43) **Area 13K** shall include those waters of Puget Sound northerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

AMENDATORY SECTION (Amending WSR 18-18-078, filed 9/4/18, effective 10/5/18)

**WAC 220-354-080 Puget Sound salmon—Closed areas.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

**Areas 4B, 5, 6, 6B, and 6C** - The Strait of Juan de Fuca Preserve as defined in WAC 220-354-330: "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point (((48°19'06.9"N, 124°27'19.4"W))) three miles west of the Sekiu River mouth (48°19'06.9"N, 124°27'19.4"W) to a line projected 45 degrees true from a point (((48°07'35.4"N, 123°04'14.4"W))) three miles east of the Dungeness River mouth (48°07'35.4"N, 123°04'14.4"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D."

**Area 6D** - (~~That portion within 1/4 mile of each mouth of the Dungeness River.~~) Waters within 1/4 nautical mile of the Dungeness River mouth (48°09'16"N, 123°07'48"W, east to waters within 500 feet of Meadowbrook Creek mouth (48°09'7"N, 123°07'19"W).

**Area 7** -

(1) The San Juan Island Preserve as defined in WAC 220-354-320( ~~("San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Lopez Pass Light 2 (Light List No. 19375 FIR4s21ft4M"2," 48°28'52"N, 122°49'5"W) across Lopez Pass to Lopez Island (48°28'42.1"N, 122°49'10.7"W), a line projected from Fauntleroy Point on Decatur Island (48°31'28.4"N, 122°47'18.8"W) through Lawson Rock Light 2 (Light List No. 19410 FIR4s15ft4M"2," 48°31'51"N, 122°47'19"W) to Blakely Island (48°32'27.2"N, 122°47'21.2"W); a line projected from Deer Point on Orcas Island (48°36'5.1"N, 122°47'59.7"W) across Spindle Rock (48°35'4.2"N, 122°48'6.2"W) to Blakely Island; a line projected from Limestone Point on San Juan Island (48°37'21.0"N, 123°06'27.1"W) to the northernmost point of Jones Island (48°37'16.9"N, 123°02'59.3"W) then 90 degrees true to Orcas Island (48°37'16.8"N, 123°01'49.6"W); a line projected from Reef Point (48°31'43.1"N, 122°58'12.3"W) on San Juan Island to the southernmost point of Shaw Island (48°32'47.6"N, 122°56'55.8"W); and a line projected from Flat Point on Lopez Island (48°33'3.7"N, 122°55'10.9"W) to the most westerly point on Canoe Island (48°33'19"N, 122°55'29.6"W), thence true north to the shoreline of Shaw Island (48°33'51.3"N, 122°55'43.7"W), exclud-~~

~~ing the waters of Puget Sound Salmon Management and Catch Reporting Area 7E)).~~

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point (48°36'5.1"N, 122°47'59.7"W) northeasterly to Lawrence Point (48°39'38.1"N, 122°44'31"W), thence west to a point intercepting a line projected from the northernmost point of Jones Island (48°37'17"N, 123°02'11.4"W), thence 90 degrees true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head (48°34'3.1"N, 122°40'5.5"W) to the northernmost point of Cypress Island (48°36'31.5"N, 122°42'42.2"W).

(4) Those waters easterly of a line projected from Iceberg Point (48°25'20.2"N, 122°53'41.1"W) to Iceberg Island (48°25'20.2"N, 122°53'41.1"W), to the easternmost point of Charles Island (48°26'25.8"N, 122°54'18.5"W), then true north from the northernmost point of Charles Island (48°26'41.1"N, 122°54'34.3"W) to the shore of Lopez Island (48°26'47.1"N, 122°54'34.2"W).

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay (48°25'25.6"N, 122°51'8.2"W) to the westernmost point of Colville Island (48°24'56"N, 122°49'31.9"W), thence from the easternmost point of Colville Island (48°24'53.5"N, 122°49'10.7"W) to Point Colville (48°25'17.1"N, 122°48'50.7"W).

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island (48°26'33.1"N, 122°40'42.3"W) to the Williamson Rocks Lighted Buoy 4 (Light List No. 19335 FIR4s4M"4"RED, 48°26'51"N, 122°42'27.8"W), thence to the Dennis Shoal Buoy 6 (Light List No. 19345 Red Nun, 48°27'27"W, 122°42'57"N), thence to Burrows Island Light (Light List No. 19350 F1W6s57ft7MHorn(B1(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W), and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker (48°25'14.2"N, 122°40'04.5"W) northerly to Biz Point (48°26'33.1"N, 122°40'42.3"W).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville (48°25'17.1"N, 122°48'50.7"W) northerly to Lopez Pass (48°28'42.1"N, 122°49'10.7"W), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land (48°28'52"N, 122°49'5"W) northerly to Fauntleroy Point (48°31'28.4"N, 122°47'18.8"W), and including those waters within 1,500 feet of the shore of James Island.

**Area 7A** - The Drayton Harbor Preserve as defined in WAC 220-354-310.

**Area 7B** -

(1) That portion south and east of a line from William Point on Samish Island (48°34'55.2"N, 122°33'38.2"W) to Saddlebag Island (48°32'7.2"W, 122°33'32.6"N) to Casper-

son Point on Guemes Island to landfall on March Point (48°29'58.4"N, 122°33'55.9"W), and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180 degrees true for 1.80 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250 degrees true for 0.92 nm to a point at 48°44'50"N, 122°35'42"W, then 270 degrees true for 0.95 nm to 48°44'50"N, 122°37'08"W, then 228 degrees true for 0.65 nm to 48°44'24"N, 122°37'52"W, then 200 degrees true for 0.69 nm to 48°43'45"N, 122°38'12"W, then 90 degrees true for 0.64 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 155 degrees true for 0.97 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W), then 247 degrees true for 80 yards to landfall on Portage Island (48°42'51.1"N, 122°36'40.3"W).

**Area 7C** - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237 degrees true to the fishing boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

**Area 8** -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island (48°16'12.6"N, 122°27'52.8"W) to a white monument on the easterly point of Ika Island (48°21'40.1"N, 122°29'52.8"W), thence across the Skagit River to the terminus of the jetty with McGlinn Island (48°22'18.3"N, 122°30'18.3"W).

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point (48°15'1.3"N, 122°31'47.2"W).

**Area 8A** -

(1) Those waters easterly of a line projected from Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 FIG25s15ft4M"1," 48°0'15.5"N, 122°17'49.7"W), excluding the waters of Area 8D, thence through the Snohomish River Light 5 (Light List No. 18535 FIG4s16ft5M, 47°59'16.3"N, 122°13'47.4"W) and across the mouth of the Snohomish River to landfall on the eastern shore (47°59'13.3"N, 122°13'35"W), and those waters northerly of a line from Camano Head (48°3'23.2"N, 122°21'24.6"W) to the northern boundary of Area 8D, except when open for pink fisheries.

(2) Additional coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Washington state ferry Clinton terminal (47°58'28.8"N, 122°21'5.2"W) to the Washington state ferry Mukilteo terminal (47°56'57"N, 122°18'15.7"W).

**Area 8D** - Those waters easterly of a line projected from the northerly most point of Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Hermosa Point (48°3'42.7"N, 122°17'36.4"W).

**Area 9** - Those waters lying inside and westerly of a line projected from the Point No Point Light (Light List No. 16550 FI(3)W10s27ft14M, 47°54'43.9"N, 122°31'36.3"W) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 FIY2.5s5MY"SE," (47°55'26.8"N, 122°29'30.7"W), thence to landfall at (47°55'4.2"N, 122°32'46"W) on Norwegian Point.

**Area 10** -

(1) Those waters easterly of a line projected from Meadow Point (47°41'35.9"N, 122°24'21.6"W) to West Point (47°39'43.6"N, 122°26'8.5"W).

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson (47°44'51.7"N, 122°28'25.6"W) to the northernmost portion of Point Monroe (47°42'32"N, 122°30'43.5"W).

(3) Additional pink seasonal closure: The area east inside of the line originating from West Point (47°39'43.6"N, 122°26'8.5"W) and extending west to the traffic separation lane Lighted Buoy SG (Light List No. 16815 FIY2.5s5MY"SG," (47°39'41.6"N, 122°27'52.6"W), thence 20 degrees true until reaching latitude 47°44'30.0"N, thence extending directly east to the shoreline (47°44'30"N, 122°22'40.5"W).

(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude 47°44'30.0"N.

(5) Additional coho and chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 FI5s39ft16M, 47°34'34.5"N, 122°25'14"W) to the Fourmile Rock Light 1 (Light List No. 16810 FIG6s15ft6M"1," 47°38'20.4"N, 122°24'48.7"W), and those waters northerly of a line projected from Point Wells to traffic separation lane Lighted Buoy SF (Light List No. 16745 FIY2.5s5MY"SF," 47°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point (47°33'55"N, 122°31'56"W) to Beans Point (47°34'29"N, 122°31'20"W) on Bainbridge Island, and westerly of a line projected from Restoration Point (47°35'1"N, 122°28'46"W) to landfall at Colchester (47°32'41"N, 122°32'22.6"W) true west from the northwest point of Blake Island.

**Area 10E** - Those waters of Liberty Bay north of a line projected true east from 47°41'56.4"N, 122°36'53.5"W to 47°41'56.4"N, 122°36'17.4"W, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Washington state ferry Bremerton terminal (47°33'43.9"N, 122°37'31.1"W) to landfall at Port Orchard (47°33'43.9"N, 122°35'31.1"W).

**Area 11** -

(1) Those waters northerly of a line projected true west from the Gig Harbor Light (Light List No. 17221 FIR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W), and those waters south of a line from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the northernmost point of land on Point Defiance (47°19'7.7"N, 122°32'23.9"W).

(2) Additional coho and chum seasonal closure: Those waters south of a line projected from the Gig Harbor Light (Light List No. 17221 FIR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W) to the Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), ~~((then south to the Washington state ferry Point Defiance terminal, and those waters south of a line projected from the Washington state ferry Point Defiance terminal (47°18'20.7"N, 122°30'51"W) to Dash Point (47°19'10.2"N, 122°25'46.6"W)))~~ south of a line projected from Neill Point (47°19'53"N, 122°29'33"W)

to Point Piner (47°20'37"N, 122°27'17"W), and west of a line projected from Point Piner (47°20'37"N, 122°27'17"W) to Dash Point (47°19'10"N, 122°25'47"W).

**Areas 12, 12B, and 12C** - Those waters within 1,000 feet of the eastern shore.

**Area 12** - Those waters inside and easterly of a line projected from Lone Rock (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FIG2.5s20ft4M"13," 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

**Area 12 - Additional purse seine chum seasonal closures:**

(1) Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the Hood Canal Light 11 on the opposite shore (Light List No. 17845 FLG4s15ft5M"11," 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line are closed to purse seines except this area is open for purse seines on October 24 and October 30.

(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 24 and October 30.

**Area 12A -**

(1) Those waters north of a line projected due east from Broad Spit (47°48'37.8"N, 122°48'59.3"W) to landfall on the Toandos Peninsula (47°48'37.8"N, 122°47'42.5"W).

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

**Area 12B -**

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point (47°35'6.6"N, 122°57'52.8"W) to Triton Head (47°36'10.9"N, 122°59'0.5"W).

**Area 12C -**

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"W, 23°7'50.7"N) and the Port of Hoodspout marina dock (47°24'12.6"N, 123°8'29.5"W).

(2) Those waters south of a line projected 107 degrees true from the Cushman Powerhouse (47°22'11.2"N, 123°09'35.9"W) to the Union boat launch (47°21'27.5"N, 123°6'1.9"W).

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

**Area 13A** - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay from 47°21'47.5"N, 122°41'10.1"W to 47°21'9.8"N, 122°41'57.7"W, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit (47°19'58.6"N, 122°43'42.7"W) at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

**AMENDATORY SECTION** (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

**WAC 220-354-120 Puget Sound salmon—Purse seine—Open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
<del>((7, 7A:</del>	<del>7AM--7PM</del>	<del>- 40/11, 10/12))</del>
<u>7, 7A:</u>	7AM - 6PM	- 10/11, 10/12, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2( <del>(+H/3)</del> )
	7AM - 5PM	- 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9( <del>(+H/10)</del> )

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

7B, 7C:	6AM - 8PM	- ((8/15, 8/22, 8/29, 9/5) 8/14, 8/21, 8/28, 9/4
	7AM - 7PM	- ((9/10, 9/12, 9/14) 9/9, 9/11, 9/13
7B:	7AM - 7PM	- ((9/17, 9/19, 9/21) 9/16, 9/18, 9/20
	7AM ((9/23) 9/22	- 6PM ((+H/3) 11/2
	7AM ((+H/5) 11/4	- 4PM ((+H/9) 11/8
	7AM ((+H/12) 11/11	- 4PM ((+H/16) 11/15
	7AM ((+H/19) 11/18	- 4PM ((+H/23) 11/22
	7AM ((+H/26) 11/25	- 4PM ((+H/30) 11/29
	7AM ((+H/3) 12/2	- 4PM ((+H/7) 12/6

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squaleicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

8:	Closed	
8A:	<del>((7AM--7PM) Closed</del>	<del>- Limited participation-- Two boats 9/17, 9/24)</del>
8D:	7AM - 7PM	- 9/24, 10/1( <del>(+H/8)</del> )
	7AM - 6PM	- ((+H/18) 10/8, 10/16, 10/22, ((+H/31) 10/28
	7AM - 5PM	- 11/5, 11/7, ((+H/13) 11/11, 11/19, ((+H/26) 11/27



AREA	TIME	DATE
10, 11:	7AM - 6PM	- (( <del>10/18, 10/22, 10/31</del> ) <u>10/16, 10/23, 10/28</u> )
	7AM - 5PM	- 11/5, 11/7
12, 12B:	7AM - 6PM	- (( <del>10/18, 10/22, 10/31</del> ) <u>10/16, 10/23, 10/28</u> )
	7AM - 5PM	- 11/5, 11/7, 11/13, 11/19, 11/21
12C:	7AM - 5PM	- 11/5, 11/7, 11/13, 11/19, 11/27

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed.

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

**AMENDATORY SECTION** (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

**WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods.** It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	9/21, (( <del>9/22</del> ) <u>9/24</u> , 9/25, 9/26, 9/27, (( <del>9/28</del> ) <u>9/30</u> , 10/1, 10/2, 10/3, 10/4, (( <del>10/5</del> ) <u>10/7</u> , 10/8, 10/9, 10/10, 10/11, (( <del>10/12</del> ) <u>10/14</u> , 10/15, 10/16, 10/17, 10/18, (( <del>10/19</del> ) <u>10/21</u> , 10/22, 10/23, 10/24, 10/25, (( <del>10/26</del> ) <u>10/28, 10/29, 10/30, 10/31, 11/1</u> )	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight; use of recovery box required	10/11, 10/12, 10/14, 10/15, 10/18, 10/19(( <del>-10/20</del> ))	6 1/4"
	7AM - Midnight	<u>10/20</u> , 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9(( <del>-11/10</del> ))	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October 20, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM - 8AM	NIGHTLY <u>8/11</u> , 8/12, 8/13, (( <del>8/14</del> ) <u>8/18</u> , 8/19, 8/20, 8/21, (( <del>8/22</del> ) <u>8/25</u> , 8/26, 8/27, 8/28(( <del>-8/29</del> ))	7"
	7AM (( <del>9/7</del> ) <u>9/5</u> )		5"
	(( <del>9/2</del> ) <u>9/1</u> )		
	7AM (( <del>9/14</del> ) <u>9/12</u> )		5"
	(( <del>9/9</del> ) <u>9/8</u> )		
7B:	7AM (( <del>9/21</del> ) <u>9/19</u> )		5"
	(( <del>9/16</del> ) <u>9/15</u> )		
	7AM (( <del>11/4</del> ) <u>11/3</u> )		5"
	(( <del>9/23</del> ) <u>9/22</u> )		
	7AM (( <del>11/9</del> ) <u>11/8</u> )		6 1/4"
	(( <del>11/5</del> ) <u>11/4</u> )		
	6AM (( <del>11/16</del> ) <u>11/15</u> )		6 1/4"
	(( <del>11/12</del> ) <u>11/11</u> )		

AREA	TIME		DATE(S)	MINIMUM MESH
	6AM <del>((11/14))</del> <u>11/18</u>	-	4PM ( <del>((11/23))</del> ) <u>11/22</u>	6 1/4"
	7AM <del>((11/26))</del> <u>11/25</u>	-	4PM ( <del>((11/30))</del> ) <u>11/29</u>	6 1/4"
	7AM <del>((12/3))</del> <u>12/2</u>	-	4PM ( <del>((12/7))</del> ) <u>12/6</u>	

Note: In Area 7C the minimum mesh size is 7" through (~~((9/14))~~) 9/12.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squaticum Harbor is open to gillnets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 4:00 PM on the first Friday in December.

8:	5AM	-	11PM	Closed	5"
----	-----	---	------	--------	----

Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8A:	6PM	-	8AM	<del>((Limited participation; 2 boats only- 9/19))</del> Closed	5"
	6PM	-	8AM	<del>((9/25, 9/27))</del> Closed	5"

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	6PM	-	8AM	Nightly ( <del>((9/23, 9/27, 9/30, 10/4, 10/7, 10/11))</del> ) <u>9/22, 9/26, 9/29, 10/3, 10/6, 10/10</u>	5"
	<del>((6PM</del>	-	8AM	Nightly <del>9/23, 9/27, 9/30, 10/4, 10/7, 10/11</del>	5"))
	6PM <del>((9/24))</del> <u>9/23</u>	-	8AM ( <del>((9/27))</del> ) <u>9/25</u>		5"
	6PM <del>((10/4))</del> <u>9/30</u>	-	8AM ( <del>((10/4))</del> ) <u>10/2</u>		5"
	6PM <del>((10/8))</del> <u>10/7</u>	-	8AM ( <del>((10/11))</del> ) <u>10/9</u>		5"
	5PM	-	9AM	<del>((10/14, 10/18, 10/21, 10/25, 10/28, 11/1))</del> <u>10/13, 10/17, 10/20, 10/24, 10/27, 10/31</u>	5"
	<del>((5PM- 10/15))</del> <u>5PM</u> <u>10/14</u>	-	9AM ( <del>((10/18))</del> ) <u>10/16</u>		5"
	5PM <del>((10/22))</del> <u>10/21</u>	-	9AM ( <del>((10/25))</del> ) <u>10/23</u>		5"
	5PM <del>((10/29))</del> <u>10/28</u>	-	9AM ( <del>((11/1))</del> ) <u>10/30</u>		5"
	4PM	-	<del>((9AM))</del> <u>8AM</u>	<del>((11/4, 11/8))</del> <u>11/3, 11/7</u>	5"
	4PM <del>((11/5))</del> <u>11/4</u>	-	<del>((9AM 11/8))</del> <u>8AM 11/6</u>		5"
	6AM	-	6PM	<u>11/13, 11/14, 11/15, (<del>((11/16))</del>) 11/20, 11/21, 11/22(<del>((11/23))</del>)</u>	6 1/4"
	7AM	-	6PM	<u>11/27, 11/28, 11/29(<del>((11/30))</del>)</u>	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	((11/3)) 11/2	5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

((10:	7PM	- 7AM	Closed	4 1/2" minimum and 5 1/2" maximum
-------	-----	-------	--------	-----------------------------------

Note: In Area 10 fishers must use minimum 4 1/2" and maximum 5 1/2" mesh during pink salmon management periods. Also, during August or September openings, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f). During all limited participation fisheries, it is unlawful for vessels to take or fish for salmon without department observers on board.))

10, 11:	5PM - 9AM	NIGHTLY	6 1/4"
		((10/16, 10/23, 10/25, 10/28, 11/4))	
		10/17, 10/20, 10/24, 10/29, 10/31, 11/3	
	((4PM - 8AM	11/8	6 1/4"))
	4PM - 7AM	((NIGHTLY)) 11/6	6 1/4"

12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.

7AM - 7PM

Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	7AM - 8PM	((10/16, 10/23, 10/25))	6 1/4"
		10/17, 10/21, 10/24	
	7AM - 7PM	((10/29, 11/4))	6 1/4"
		10/28, 10/31	
	6AM - 6PM	11/4, 11/6, ((11/8,)) 11/12, 11/14, 11/18, 11/20	6 1/4"
12C:	6AM - 6PM	((11/6, 11/8, 11/12, 11/14, 11/20, 11/24))	6 1/4"
		11/4, 11/6, 11/12, 11/14, 11/18, 11/20	
	7AM - 6PM	((11/26)) 11/27	6 1/4"

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

**WAC 220-354-180 Puget Sound salmon—Reef net open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7	5AM - 9PM Daily	((9/23 - 11/4)) 9/22 - 11/9

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or unmarked coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in the logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

**WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following design-

nated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/20, 8/21, 8/22, ((8/23, 8/24)) 8/26, 8/27, 8/28, 8/29, 8/30, ((8/31)) 9/2, 9/3, 9/4, 9/5, 9/6, ((9/7)) 9/9, 9/10, 9/11, 9/12, 9/13, ((9/14)) 9/16, 9/17, 9/18, 9/19, 9/20, ((9/21)) 9/23, 9/24, 9/25, 9/26, 9/27, ((9/28)) 9/30, 10/1, 10/2, 10/3, 10/4((-10/5))
12C, Hoodspout Hatchery Zone:	7AM - 7PM	7/30, 8/1, 8/6, 8/8, 8/13, 8/15, 8/20, 8/22, 8/27, 8/29, 9/3, 9/5  November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain the following salmon species taken with beach seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Area 12A.
- (b) Chum salmon - In all areas prior to October 10.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-310 Puget Sound—Salmon preserve—Drayton Harbor.** "Drayton Harbor Salmon Preserve" shall include all the waters of Drayton Harbor and tributaries thereto lying inside and easterly of a line projected 66 degrees true from Semiahmoo Spit (48°59'25.8"N, 122°46'16.5"W) to the (~~Blaine Boathaven Dock~~) northern breakwater of the Port of Bellingham's Blaine Harbor (48°59'30.5"N, 122°46'0.4"W).

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-320 Puget Sound—Salmon preserve—San Juan Island.** "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected 199 degrees true from (~~Decatur Island Light~~) Lopez Pass Light 2 (Light List No. 19375 FIR4s21ft4M"2," 48°28'52"N, 122°49'5"W) across Lopez Pass to Lopez Island (48°28'42.1"N, 122°49'10.7"W), a line projected 359 degrees true from Fauntleroy Point on Decatur Island (48°31'28.4"N, 122°47'18.8"W) through Lawson Rock Light 2 (Light List No. 19410 FIR4s15ft4M"2," 48°31'51"N, 122°47'19"W) to Blakely Island (48°32'27.2"N, 122°47'21.2"W); a line projected 184 degrees true from Deer Point on Orcas Island (48°36'5.1"N, 122°47'59.7"W) across Spindle Rock (48°35'4.2"N, 122°48'6.2"W) to Blakely Island; a line projected 91 degrees true from Limestone Point on San Juan Island (48°37'21.0"N, 123°6'27.1"W) to the northernmost point of Jones Island (48°37'16.9"N, 123°2'59.3"W); then 90 degrees true to Orcas Island (48°37'16.8"N, 123°1'49.6"W); a line projected 38 degrees true from Reef Point on San Juan Island (48°31'43.1"N, 122°58'12.3"W) to the southernmost point of

Shaw Island (48°32'47.6"N, 122°56'55.8"W); and a line projected 321 degrees true from Flat Point on Lopez Island (48°33'3.7"N, 122°55'10.9"W) to the most westerly point on Canoe Island (48°33'19"N, 122°55'29.6"W), thence true north to the shoreline of Shaw Island (48°33'51.3"N, 122°55'43.7"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-330 Puget Sound—Salmon preserve—Strait of Juan de Fuca.** "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point three miles west of the Sekiu River mouth (48°19'06.9"N, 124°27'19.4"W) to a line projected 45 degrees true from a point three miles east of the Dungeness River mouth (48°07'35.4"N, 123°04'14.4"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-340 Puget Sound—Area 7A salmon fishery separation lines.** (1) The "East Point Line" shall be defined as a line projected 184 degrees true from (~~the low water range marker in~~) Boundary Bay Light D (Light List No. 19972 FIY4s36ft4M"D," 49°0'7.6"N, 123°1'13"W) on the (~~international boundary~~) Canada/United States border, through the (~~east tip~~) eastern portion of Point Roberts to the (~~East Point light~~) Saturna Island Sector Light (Light List No. 19810 FIW15s102ft17M.FR85ft8M, 48°46'58"N, 123°2'45"W) on East Point Saturna Island (~~in the province of~~), British Columbia, Canada.

(2) The "Iwersen Dock Line" shall be defined as a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the (~~Georgina Point Light at the entrance to Active Pass in British Columbia~~) Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

**WSR 19-11-130  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed May 22, 2019, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-137 filed January 22, 2019.

Title of Rule and Other Identifying Information: The department is considering amendments to current recreational fishing rules resulting from stakeholder recommendations made during North of Falcon meetings and to incorporate changes in the rules brought about from the department's freshwater recreational rule simplification project: WAC

220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Hearing Location(s): On June 25, 2019, at 9:00 a.m., at the Natural Resources Building, Room 682, 1111 Washington Street S.E., Olympia, WA 98501, Puget Sound marine and freshwater; on June 25, 2019, at 1:00 p.m., at the Region 5 Office, Room 102A, 5525 South 11th Street, Ridgefield, WA 98642, Columbia River; on June 26, 2019, at 9:00 a.m., at the Region 6 Office, Large Conference Room, 48 Devonshire Road, Montesano, WA 98563, coastal marine; and on June 26, 2019, at 11:00 a.m., at the Region 6 Office, Large Conference Room, 48 Devonshire Road, Montesano, WA 98563, coastal freshwater.

Date of Intended Adoption: June 26, 2019.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, P.O. Box 43152, Olympia, WA 98501, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by June 24, 2019.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by June 24, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Recreational salmon fishing rules for Puget Sound, coast and Columbia River freshwater and Puget Sound and coast saltwater based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

Reasons Supporting Proposal: To protect fish species listed as endangered while supporting recreational fishing opportunity and to make changes to salmon seasons and harvest amounts pursuant to agreements and recommendations made at the North of Falcon meetings. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Ron Warren, 1111 Washington Street, Olympia, WA 98501, 360-902-2799; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule does not affect hydraulics.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

May 22, 2019

Scott Bird

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

**WAC 220-312-020 Freshwater exceptions to statewide rules—Coast. (1) Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

**(2) Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

**(3) Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(4) Bear River (Pacific County):**

(a) Open the Saturday before Memorial Day through March 31.

(b) From August 16 through November 30: Night closure.

(c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):

(i) From August 16 through November 30:

(ii) Barbless hooks required.

(iii) Anti-snagging rule.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open September 1 through January 31.

(B) ~~Daily limit 6 fish; only ((4 may be)) 2 adults ((of which only one may be a wild adult coho))~~ may be retained.

(C) Release wild Chinook.

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(5) Beaver Creek (Clallam County) (Sol Duc River tributary):**

- (a) From the mouth upstream to Beaver Falls:
- (b) It is unlawful to use anything other than one barbless hook.
- (c) It is unlawful to use bait.
- (d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(6) Beaver Lake (Clallam County):** Selective gear rules.**(7) Big River (Clallam County), outside of Olympic National Park:**

- (a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(8) Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.**(9) Black River (Grays Harbor/Thurston counties):** From the mouth to the bridge on 128th Ave. S.W.:

- (a) Anti-snagging rule.
- (b) Night closure.
- (c) Barbless hooks required.
- (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (e) Salmon: Open October 1 through ~~((November 30))~~ December 31.

- (i) Daily limit 6, of which 2 may be adults.
- (ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

**(10) Bogachiel Hatchery Pond, South (Clallam County):** Open the fourth Saturday in April through October 31.**(11) Bogachiel River (Clallam County):**

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.
- (c) From the mouth to Highway 101 Bridge:
  - (i) Open the Saturday before Memorial Day through April 30.
  - (ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.
  - (iii) Game fish: Statewide minimum length/daily limit, except:
    - (A) Release wild rainbow trout.
    - (B) Cutthroat trout: Minimum length 14 inches.
    - (C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (iv) Salmon:
      - (A) From July 1 through August 31:
        - (I) Daily limit 6; no more than 2 adults may be retained.
        - (II) Release wild adult Chinook and wild adult coho.
      - (B) From September 1 through November 30: Daily limit 3; no more than ~~((one))~~ 1 adult may be retained.

**(d) From Highway 101 Bridge to Olympic National Park boundary:****(i) Open the Saturday before Memorial Day through April 30.**

- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except:

- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.

**(12) Calawah River (Clallam County):****(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.****(b) It is unlawful to use anything other than one barbless hook.****(c) From the mouth to the Highway 101 Bridge:****(i) Open the Saturday before Memorial Day through April 30.****(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.****(iii) Game fish: Statewide minimum length/daily limit, except:**

- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.

**(C) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.****(iv) Salmon:****(A) Open July 1 through August 31:****(I) Daily limit 6; only 2 adults may be retained.****(II) Release wild adult Chinook and wild adult coho.****(B) Open September 1 through November 30: ~~((H))~~****Daily limit 3; only ~~((one))~~ 1 adult may be retained.****~~((H)) Release wild adult coho.~~****(d) From the Highway 101 Bridge to the forks:****(i) Open the Saturday before Memorial Day through April 30.****(ii) It is unlawful to use bait.****(iii) Game fish: Statewide minimum length/daily limit, except:**

- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.

**(13) Calawah River, North Fork (Clallam County):****(a) It is unlawful to use anything other than one barbless hook.****(b) It is unlawful to use bait.****(c) Game fish: Statewide minimum length/daily limit, except:**

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

**(14) Calawah River, South Fork (Clallam County):****(a) From the mouth to the Olympic National Park boundary:****(b) Open the Saturday before Memorial Day through the last day in February.****(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.****(d) It is unlawful to use anything other than one barbless hook.****(e) It is unlawful to use bait.**

(f) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

(15) **Canyon River (Grays River County):** Closed waters.

(16) **Cases Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(17) **Cedar Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(18) **Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**

(a) From the mouth (Highway 101 Bridge in Aberdeen) to Highway 107 Bridge including all channels, sloughs, and interconnected waterways:

(i) From August 1 through November 30: Single-point barbless hooks are required.

(ii) Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15:

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From August 1 through September 15:

(I) Daily limit 6.

(II) Release adult salmon.

(B) From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:

(I) Daily limit 6; only ~~((one))~~ 2 adult may be retained.

(II) Release ~~((adult))~~ Chinook.

~~((C) From May 1 through June 30: Limit one Chinook.))~~

(b) From the Highway 107 Bridge upstream to the South Elma Bridge (Wakefield Road).

(i) From August 1 through November 30: Single-point barbless hooks are required.

(ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From August 1 through September 15:

(I) Daily limit 6.

(II) Release adult salmon.

(B) From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~

~~((C) From May 1 through June 30: Limit one Chinook.))~~

(c) From South Elma Bridge (Wakefield Road) to the confluence with Black River:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: ~~((A))~~ From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:

~~((H))~~ (A) Daily limit 6; only 2 adults may be retained.

~~((H))~~ (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~

~~((B) From May 1 through June 30: Limit one Chinook.))~~

(d) From the confluence of Black River to the Highway 6 Bridge near the town of Adna:

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: ~~((A))~~ From October 1 through ~~((November 30))~~ December 31:

~~((H))~~ (A) Daily limit 6; only 2 adults may be retained.

~~((H))~~ (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~

~~((B) From May 1 through June 30: Limit one Chinook.))~~

(e) From Highway 6 Bridge near the town of Adna to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From October 1 through ~~((November 30))~~ December 31:

(B) Daily limit 6; only 2 adults may be retained.

(C) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~

(f) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(19) **Chehalis River, South Fork (Lewis County):** From the mouth to County Highway Bridge near Boistfort School:

(a) Open the Saturday before Memorial Day through April 15.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(20) Chimacum Creek (Jefferson County):**

(a) From the mouth to Ness's Corner Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Ness's Corner Road upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(21) Clallam River (Clallam County):**

(a) Open the Saturday before Memorial Day through October 31:

(i) Selective gear rules.

(ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(22) Clearwater River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through September 30 and December 1 through April 15.

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open September 1 through ~~((September))~~ November 30: ~~((A))~~ Daily limit 3; only ~~((one))~~ 1 adult may be retained(~~(;~~

~~(B) Release wild coho.~~

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

**(23) Cloquallum Creek (Grays Harbor County):**

From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(24) Copalis River (Grays Harbor County):**

(a) From the mouth to Carlisle Bridge:

(i) From the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From ~~((October))~~ September 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6; ~~((only one))~~ 2 adult salmon may be retained.

(B) Release ~~((adult))~~ Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(25) Crim Creek (Lewis County) (Chehalis River tributary):** Closed waters.

**(26) Deep Creek (Clallam County) (tributary to the straits):**

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(27) Dickey River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open July 1 through November 30:

(A) July 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) September 1 through November 30: ~~((H))~~ Daily limit 3; only ~~((one))~~ 1 adult may be retained.

~~((H) Release wild adult coho.)~~

(d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.



**(28) Duck Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

**(29) Dungeness River (Clallam County):** From the mouth to the forks at Dungeness Forks Campground:

(a) Open October 16 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 16 through November 30.

(ii) Daily limit 4 coho only.

(iii) Release wild coho.

**(30) East Twin River (Clallam County):**

(a) Selective gear rules.

(b) Release all fish.

**(31) Elk Creek (Lewis County) (Chehalis River tributary):** Open the Saturday before Memorial Day through September 30 and January 1 through March 31.

**(32) Elk Lake (Clallam County):**

(a) Open the Saturday before Memorial Day through October 15.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Release kokanee.

**(33) Elk River (Grays Harbor County):**

(a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~(November 30)~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho)).~~

(b) From confluence of the middle branch upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(34) Elwha River and all tributaries (Clallam County):** Closed waters.

**(35) Failor Lake (Grays Harbor County):** Open the fourth Saturday in April through September 15.

**(36) Fork Creek (Pacific County) (Willapa River tributary):**

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assis-

sive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.

(ii) Night closure.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks required.

(B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon open: From October 1 through January 31:

(A) Daily limit 6; only ((3)) 2 adults may be retained((; and only one may be a wild adult coho)).

(B) Release wild Chinook.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(37) Goodman Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(38) Gray Wolf River (Clallam County):**

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(39) Hoh River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) It is unlawful to use bait from ~~((July))~~ June 1 through September 15 and February 16 through April 15.

(ii) Open ~~((July))~~ June 1 through August 31 and September 16 through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open June 1 through June 30: Daily limit 1 hatchery Chinook.

(B) Open September 16 through November 30: Daily limit 6; only 2 adults may be retained of which only ((one)) 1 may be a Chinook.

(d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait the Saturday before Memorial Day through October 15 and December 1 through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open October 16 through November 30: Daily limit 6; only 2 adults may be retained, of which only ~~((one))~~ 1 may be a Chinook.

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait.

(iii) It is unlawful to fish from a floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

**(40) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open July 1 through August 31 and September 16 through April 15.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

**(41) Hoko River (Clallam County):**

(a) From the mouth to the upper Hoko Bridge:

(i) From the hatchery ladder downstream 100 feet: Closed waters.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) From September 1 through October 31: Open to fly fishing only.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the Saturday before Memorial Day through March 31 to fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(42) Hoquiam River, including West Fork (Grays Harbor County):**

(a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(b) From Dekay Road Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(43) Hoquiam River, East Fork (Grays Harbor County):**

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day of February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(b) From the confluence of Berryman Creek upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Selective gear rules.

**(44) Humptulips River (Grays Harbor County):**

(a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained ~~((of which only one may be a wild Chinook))~~.

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only ~~((2))~~ 1 adult~~((s))~~ may be retained.

(II) Release wild ~~((adult))~~ Chinook and wild coho.

(C) From December 1 through December 31:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

(b) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iii) From March 1 through March 31: Selective gear rule.

(iv) Game fish:

(A) Open the Saturday before Memorial Day through (March 31.

(iv) Game fish)) the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained ((~~of~~ which only one may be a wild Chinook)).

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only ((2)) 1 adult((s)) may be retained.

(II) Release wild ((adult)) Chinook and wild coho.

(C) From December 1 through December 31:

(D) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

**(45) Humptulips River, East Fork (Grays Harbor County):** From August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

**(46) Humptulips River, West Fork (Grays Harbor County):** From the mouth to Donkey Creek:

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) ((Open the Saturday before Memorial Day through March 31.)) From March 1 through March 31: Selective gear rule.

(c) Game fish:

(i) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

**(47) Joe Creek (Grays Harbor County):** From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open ~~((October))~~ September 1 through ~~((November 30))~~ December 31:

(i) Daily limit 6; ((~~only one~~)) 2 adult salmon may be retained.

(ii) Release ~~((adult))~~ Chinook.

**(48) Johns River (Grays Harbor County):** From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho)).~~

**(49) Kalaloch Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(50) Lena Lake, Lower (Jefferson County):** The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

**(51) Lincoln Pond (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

**(52) Little Hoko River (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(53) Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

**(54) Lyre River (Clallam County):**

(a) From the mouth to falls near river mile 3:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(55) Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

**(56) McDonald Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(57) Moclips River (Grays Harbor County):**

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) Salmon: Open ~~((October))~~ September 1 through ~~((November 30))~~ December 31.(i) Daily limit 6, of which ~~((one))~~ 2 may be an adult salmon.(ii) Release ~~((adult))~~ Chinook.**(58) Morse Creek (Clallam County):** From the mouth to Port Angeles Dam:

(a) Open from December 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(59) Mosquito Creek (Jefferson County):** From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(60) Naselle River (Pacific/Wahkiakum counties):**

(a) From the Highway 101 Bridge to the South Fork:

(i) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(ii) Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only ~~((4))~~ 2 adults may be retained(~~((; of which only one may be a wild adult coho))~~).

(B) Release wild Chinook.

(b) From the confluence of the South Fork upstream to the Highway 4 Bridge:

(i) From February 1 through April 15: Selective gear rules.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: ~~((A))~~ Open August 1 through ~~((September 30))~~ January 31.~~((H))~~ (A) Daily limit 6; only 2 adults may be retained(~~((; of which only one may be a wild adult coho))~~).~~((H))~~ (B) Release wild Chinook.~~((B))~~ Open ~~October 1 through January 31~~.~~(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.~~~~(H) Release wild Chinook.~~)(c) From the Highway 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From February 1 through April 15: Selective gear rules.

(iii) From August 16 through October 15: Bait or lure must be suspended below a float.

(iv) From August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon: ~~((A))~~ Open August 16 through ~~((September 30))~~ January 31.~~((H))~~ (A) Daily limit 6; only 2 adults may be retained(~~((; of which only one may be a wild adult coho))~~).~~((H))~~ (B) Release wild Chinook.~~((B))~~ Open ~~October 1 through January 31~~.~~(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.~~~~(H) Release wild Chinook.~~~~(viii))~~ (d) From 300 feet below the upstream entrance of the Naselle Hatchery attraction channel ~~((downstream 300 feet))~~ to the upstream entrance of the Naselle Hatchery attraction channel: Closed waters.~~((H))~~ (e) From the upstream entrance of the Naselle Hatchery attraction channel to the ~~((Crown Mainline (Salme) Bridge~~:~~(i) From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet: Closed waters.~~~~(ii) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed waters August 1 through October 15.~~~~(iii))~~ full spanning concrete diversion structure at the Naselle Hatchery:(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.(ii) August 1 through October 15: Closed waters.

- (iii) From October 16 through November 15:
- (A) Night closure.
- (B) Anti-snagging rule.
- (C) Barbless hooks are required.
- (D) Stationary gear rules.
- (iv) From February 1 through April 15: Selective gear rules.
- (v) Open the Saturday before Memorial Day through April 15.
- (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (vii) Salmon: Open October 16 through January 31.
- (A) Daily limit 6; only 2 adults may be retained.
- (B) Release wild Chinook.
- (f) From the full spanning concrete diversion structure at the Naselle Hatchery to 400 feet downstream of the falls in Sec. 6 T10N R8W:
- (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (ii) From August 1 through November 15:
- (A) Night closure.
- (B) Anti-snagging rule.
- (C) Barbless hooks are required.
- (D) Stationary gear rules.
- (iii) Open the Saturday before Memorial Day through April 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (v) Salmon: Open October 16 through January 31.
- (A) Daily limit 6; only 2 adults may be retained.
- (B) Release wild Chinook.
- (g) From 400 feet downstream of the falls in Sec. 6, T10N, R8W to the falls in (Wahkiakum County): Closed waters.
- (h) From the falls in Sec. 6, T10N, R8W to the Crown Mainline (Salme) Bridge:
- (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ~~((iv))~~ (ii) From August 1 through November 15:
- (A) Night closure.
- (B) Anti-snagging rule.
- (C) Barbless hooks are required.
- (D) Stationary gear rules.
- ~~((v))~~ (iii) Open the Saturday before Memorial Day through April 15.
- ~~((vi))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((vii))~~ (v) Salmon: Open October 16 through January 31.
- (A) Daily limit 6; only ((4)) 2 adults may be retained(~~(; of which one may be a wild adult coho)~~).
- (B) Release wild Chinook.
- ~~((e))~~ (i) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:
- (i) From February 1 through April 15; selective gear rules.
- (ii) Open the Saturday before Memorial Day through April 15.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) From August 16 through November 30:
- (A) Night closure.
- (B) Anti-snagging rule.
- ~~((f))~~ (j) Upstream from the mouth of the North Fork.
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (61) Naselle River, South (Pacific County):**
- (a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.
- (b) From the Saturday before Memorial Day through August 15: Selective gear rules.
- (c) From August 16 through November 30: Anti-snagging rule and night closure.
- (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (62) Nemah River, Middle (Pacific County):**
- (a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:
- (i) Open the Saturday before Memorial Day through March 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) From August 1 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (iv) Salmon:
- (A) Open September 1 through January 31.
- (B) Daily limit 6; no more than ((4)) 2 adults may be retained(~~(; of which one may be a wild adult coho)~~).
- (C) Release wild Chinook.
- (b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:
- (i) Open the Saturday before Memorial Day through March 31:
- (ii) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) From August 16 through November 30: ~~((A)) Anti-snagging rule:~~
- ~~((B))~~ (B) Night closure.
- (63) Nemah River, North (Pacific County):**
- (a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:
- (i) Open the Saturday before Memorial Day through March 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iii) From August 1 through November 30:
  - (A) Night closure.
  - (B) Stationary gear restriction.
  - (C) Single-point barbless hooks are required.
- (iv) Salmon: Open August 1 through January 31.
  - (A) Daily limit 6; only ((4)) 2 adults may be retained~~(, of which one may be a wild adult coho)~~.
  - (B) Release wild Chinook.
- (b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:
  - (i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
  - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (iii) From August 16 through November 30:
      - (A) Anti-snagging rule.
      - (B) Night closure.
    - (iv) From December 1 through March 31: Selective gear rules.
  - (c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):
    - (i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:
      - (A) Salmon: Daily limit 6; only 2 adults may be retained.
      - (B) Release wild Chinook.
    - (ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
    - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
      - (iv) From August 16 through November 30:
        - (A) Anti-snagging rule.
        - (B) Night closure.
      - (v) From December 1 through March 31: Selective gear rules.
        - ~~((A) Limit 6; only 4 adults may be retained, of which only one may be a wild coho.~~
        - ~~(B) Release wild Chinook.)~~
    - (d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.
    - (e) From the Nemah Hatchery Dam upstream to N-700 Road (46° 28.58N, 123° 48.54W):
      - (i) Open the Saturday before Memorial Day through March 31.
      - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
        - (iii) From August 16 through November 30:
          - (A) Night closure.
          - (B) Anti-snagging rule.
        - (iv) From December 1 through March 31: Selective gear rules.
        - (v) Salmon: Open October 1 through January 31:
          - (A) Daily limit 6; only ((4)) 2 adults may be retained~~(, of which one may be a wild adult coho)~~.
          - (B) Release wild Chinook.

- (f) From the N-700 Road (46° 28.58N, 123° 48.54W) to Cruiser Creek:
  - (i) Open the Saturday before Memorial Day through March 31.
  - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (iii) From August 16 through November 30:
      - (A) Night closure.
      - (B) Anti-snagging rule.
    - (iv) From December 1 through March 31: Selective gear rules.
  - (64) **Nemah River, South (Pacific County):**
    - (a) From September 1 through November 30:
      - (i) Night closure.
      - (ii) Single-point barbless hooks are required.
    - (b) Open the Saturday before Memorial Day through March 31:
      - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
      - (d) Salmon: Open September 1 through January 31.
        - (i) Daily limit 6; only ((4)) 2 adults may be retained~~(, of which one may be a wild adult coho)~~.
        - (ii) Release wild Chinook.
  - (65) **Newaukum River, including South Fork (Lewis County):**
    - (a) From the mouth to Leonard Road near Onalaska:
      - (i) Open the Saturday before Memorial Day through March 31:
        - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
          - (iii) From August 16 through November 30:
            - (A) Night closure.
            - (B) Single-point barbless hooks are required.
          - (iv) Salmon: Open October 16 through ~~((November 30))~~ December 31:
            - (A) Daily limit 6; only 2 adults may be retained.
            - (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.
        - (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:
          - (i) Open the Saturday before Memorial Day through March 31:
            - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
              - (iii) From August 16 through November 30:
                - (A) Night closure.
                - (B) Single-point barbless hooks are required.
      - (66) **Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:**
        - (a) Open the Saturday before Memorial Day through March 31.
        - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(67) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:**

(a) Open the Saturday before Memorial Day through March 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(68) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:

(a) From August 16 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through November 30.

**(69) North River (Grays Harbor/Pacific counties):**

(a) From the Highway 105 Bridge to Fall River:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Anti-snagging rule.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31.

(A) Daily limit 6; only ((4)) 2 adults may be retained(~~(; of which only one may be a wild adult coho)~~).

(B) Release wild Chinook.

(b) From Fall River upstream to Raimie Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(70) Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

**(71) Palix River, including all forks (Pacific County):**

(a) From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) From August 16 through October 15:

(A) Anti-snagging rule.

(B) Night closure.

(ii) From the Saturday before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules.

(iii) Open the Saturday before Memorial Day through October 15, and from December 16 through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(72) Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

**(73) Pleasant Lake (Clallam County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(b) Kokanee: Daily limit 5; minimum length 8 inches, maximum length 18 inches.

**(74) Pysht River (Clallam County):**

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) From the Saturday before Memorial Day through October 31.

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) From November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(75) Quigg Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) Salmon:

(i) Open October 1 through January 31.

(ii) Daily limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

**(76) Quillayute River (Clallam County), outside of Olympic National Park:**

(a) Open year-round, except closed Mondays and Tuesdays in September and October 1. Closed Mondays in October and October 29.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) From February 1 through August 31:

(A) Daily limit 6; only 2 adults may be retained(~~(; of which only one may be a sockeye)~~).

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) From September 1 through (~~(November 30))~~ September 15:

(A) Daily limit 6; only ((2)) 3 adults may be retained, of which only ((one)) 1 may be a wild Chinook (~~(and only one may be a sockeye)~~).

(B) Release sockeye and wild adult coho.

(iii) From September 16 through November 30:

(A) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild salmon.

(B) Release sockeye.

(77) **Quinault River (Grays Harbor County):** From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon:

(i) Open July 1 through September 30; Daily limit 6 jack salmon only.

(ii) Open October 1 through November 30:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

(78) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.

(79) **Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(80) **Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait the Saturday before Memorial Day through August 31.

(d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(iii) From Saturday before Memorial Day through September 30: It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iv) From December 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon: Open September 1 through (~~September~~) November 30:

(i) Daily limit 6; only 2 may be adults and only (~~one~~) 1 of the adults may be a Chinook.

(ii) Release wild coho.

(81) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) Selective gear rules.

(b) From the Saturday before Memorial Day through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(82) **Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through (~~November 30~~) December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release (~~adult~~) Chinook (~~and wild adult coho~~).

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) From August 16 through November 30: Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 1 through (~~November 30~~) December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release (~~adult~~) Chinook (~~and wild adult coho~~).



**(83) Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):**

- (a) From August 16 through November 30:
- (i) Anti-snagging rule.
- (ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

- (i) Game fish: Statewide minimum length/daily limit, except:
- (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(84) Satsop River, West Fork (Grays Harbor County):**

- (a) From August 16 through November 30:
- (i) Anti-snagging rule.
- (ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

- (i) Game fish: Statewide minimum length/daily limit, except:
- (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(85) Sekiu River (Clallam County):** From mouth to forks:

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(86) Siebert Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(87) Sitkum River (Clallam County) (Calawah River tributary):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

**(88) Skookumchuck River (Thurston County):** From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(a) From August 16 through November 30:

- (i) Night closure.
- (ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through April 30:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon: Open October 16 through ~~(November 30)~~ December 31:

- (i) Daily limit 6; only 2 adults may be retained.
- (ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

**(89) Smith Creek (near North River) (Pacific County):**

(a) From the mouth to the Highway 101 Bridge:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only ~~((3))~~ 2 adults may be retained~~((of which one may be a wild adult coho))~~.

(B) Release wild Chinook.

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(90) Snahapish River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

**(91) Snow Creek and all tributaries (Jefferson County):** Closed waters.

**(92) Sol Duc River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) It is unlawful to use bait July 16 through August 31 and February 16 through April 30.

(ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) From February 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained~~((of which only one may be a sockeye))~~.

(II) Release sockeye, wild adult Chinook and wild adult coho.

(B) From September 1 through ~~((November 30))~~ September 15:

(I) Daily limit 6; only 3 adults may be retained, of which only ~~((one))~~ 1 may be a wild Chinook ~~((and only one may be a sockeye))~~.

(II) Release sockeye and wild adult coho.

(C) From September 15 through November 30:

(I) Daily limit 6; only 3 adults may be retained, of which only 1 may be wild salmon.

(II) Release sockeye.

(d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) It is unlawful to use bait.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(93) **Sol Duc River tributaries unless otherwise listed (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(94) **Solleks River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(95) **Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:** Open the Saturday before Memorial Day through the last day in February.

(96) **South Bend Mill Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(97) **Stevens Creek (Grays Harbor County):** From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(98) **Sutherland Lake (Clallam County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

(99) **Thrash Creek (Pacific/Lewis County):** Closed waters.

(100) **Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

(101) **Valley Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(102) **Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines):** Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(103) **Van Winkle Creek (Grays Harbor County):**

(a) From August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through ~~((November 30))~~ December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(104) **West Twin River (Clallam County):**

(a) Selective gear rules.

(b) Release all fish.

(105) **Willapa River (Pacific County):**

(a) From the mouth (city of South Bend boat launch) to the ~~((Highway 6 Bridge approximately 2 miles below the mouth of Trap))~~ WDFW access site at the mouth of Ward/Wilson creeks:

(i) From August 1 through November 30:

(A) ~~((It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).~~

~~((B)))~~ Night closure.

~~((C)))~~ (B) Single-point barbless hooks are required.

~~((D))~~ Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

~~(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road:~~ (ii) August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open December 1 through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) August 1 through January 31: Anglers may fish with two poles ((August 1 through January 31)), provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only ((4)) 2 adults may be retained((; of which one may be a wild adult coho)).

(B) Release wild Chinook.

((4)) (c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(D) It is unlawful to fish from a floating device.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 16 through ((September 15)) January 31:

(A) Daily limit 6; only 2 adults may be retained((; of which one may be a wild adult coho)).

(B) Release wild Chinook.

((v) Salmon: Open September 16 through January 31:

(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

((4)) (f) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31:

(A) Daily limit 6; only ((4)) 2 adults may be retained((; of which only one may be a wild adult coho)).

(B) Release wild Chinook.

((4)) (g) From the Highway 6 Bridge near the town of Lebam upstream:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(106) Willapa River, South Fork (Pacific County):**

(a) From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (ii) Salmon: Open August 1 through January 31:
  - (A) Daily limit 6; only ((3)) 2 adults may be retained~~(, of which one may be a wild adult coho)~~.
  - (B) Release wild Chinook.
  - (c) From Pehl Road upstream:
    - (i) Open the Saturday before Memorial Day through the last day in February.
    - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (107) **Wishkah River (Grays Harbor County):**
  - (a) From August 16 through November 30: Single-point barbless hooks are required.
  - (b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:
    - (i) Open the Saturday before Memorial Day through the last day in February.
    - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (iii) Salmon: Open October 1 through ~~((November 30))~~ December 31:
      - (A) Daily limit 6; only 2 adults may be retained.
      - (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.
    - (iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.
- (108) **Wynoochee River (Grays Harbor County):**
  - (a) From the mouth to the WDFW White Bridge Access Site:
    - (i) From August 16 through November 30: Single-point barbless hooks are required.
    - (ii) Open the Saturday before Memorial Day through March 31:
    - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (iv) Salmon: Open October 1 through ~~((November 30))~~ December 31.
      - (A) Daily limit 6; only 2 adults may be retained.
      - (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.
  - (b) From the WDFW White Bridge Access Site to the 7400 line bridge:
    - (i) From August 16 through November 30: Single-point barbless hooks are required.
    - (ii) From September 16 through November 30: It is unlawful to use bait.
    - (iii) Open the Saturday before Memorial Day through March 31:
    - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (c) From the 7400 line bridge to 400 feet below Wynoochee Dam ~~(, including the confluence of the reservoir upstream to Wynoochee Falls):~~
    - (i) From 400 feet downstream of Wynoochee Dam to the dam and from the barrier dam near Grisdale to the dam: Closed waters.

- (ii) Open the Saturday before Memorial Day through March 31:
  - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (iv) Selective gear rules.
- From the confluence of the Wynoochee Reservoir upstream to Wynoochee Falls:
  - (i) Open the Saturday before Memorial Day through March 31:
    - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (109) **Wynoochee Reservoir (Grays Harbor County):**
  - (a) Open the fourth Saturday in April through October 31.
    - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

**AMENDATORY SECTION** (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

**WAC 220-312-030 Freshwater exceptions to statewide rules—Southwest. (1) Abernathy Creek and tributaries (Cowlitz County):**

- (a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.
- (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
- (c) Selective gear rules, except: Use of barbed hooks is allowed.
- (d) Game fish: Statewide minimum length/daily limit, except:
  - (i) Trout: Daily limit 2; minimum length 14 inches.
  - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (e) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (2) **Beaver Creek (Wahkiakum County):** Closed waters.
- (3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**
  - (a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.
  - (b) Anti-snagging rule.
  - (c) Night closure.
  - (d) ~~((Barbless hooks are required for salmon and steelhead.~~
  - (~~e~~)) Open Saturday before Memorial Day through April 15.
  - (~~f~~)) (e) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 5; minimum length 8 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

- ~~((g))~~ (f) Salmon:
- (i) Open August 1 through December 31.
  - (ii) Limit 6; up to 2 may be adults.
  - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (4) **Blue Lake (Cowlitz County):**
- (a) Open the fourth Saturday in April through October 31.
  - (b) Selective gear rules.
  - (c) Release all fish.
- (5) **Blue Lake Creek (Lewis County):** Selective gear rules.
- (6) **Butter Creek (Lewis County):** Selective gear rules.
- (7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.
- (8) **Carlisle Lake (Lewis County):**
- (a) Open the fourth Saturday in April through October 31.
  - (b) Landlocked salmon rules.
- (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
- (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
  - (b) Selective gear rules, except: Use of barbed hooks is allowed.
  - (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
  - (d) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 2; minimum length 14 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (e) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:
- (a) Selective gear rules.
  - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:
- (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
  - (b) ~~((Barbless hooks are required for salmon and steel head.~~
  - ~~(b))~~ Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
- ~~((d))~~ (c) Salmon:
- (i) Limit 6; up to 2 may be adults.
  - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (12) **Cispus River, North Fork (Lewis County):** Selective gear rules.
- (13) **Coal Creek (Cowlitz County):**
- (a) From the mouth to 400 feet below the falls:
    - (i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
    - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
    - (iii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (iv) Salmon:
      - (A) Open November 1 through December 31.
      - (B) Limit 6; up to 2 may be adults.
      - (C) Only hatchery Chinook and hatchery coho may be retained.
    - (b) From 400 feet below the falls to the falls: Closed waters.
- (14) **Coldwater Lake (Cowlitz County):**
- (a) The Coldwater Lake inlet and outlet streams: Closed waters.
  - (b) Selective gear rules.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):**
- (a) Selective gear rules.
  - (b) Open the Saturday before Memorial Day through August 31.
- (16) **Coweman River and tributaries (Cowlitz County):**
- (a) ~~((Barbless hooks are required for salmon and steel head.~~
  - ~~(b))~~ Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
  - ~~((e))~~ (b) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 2; minimum length 14 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - ~~((d))~~ (c) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (17) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):**
- (a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.
  - (b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.
  - (c) ~~((Barbless hooks are required for salmon and steel head.~~
  - ~~(d))~~ Game fish: Statewide minimum length/daily limit, except: Trout:
    - (i) Release wild rainbow and wild cutthroat trout.
    - (ii) Daily limit 10; minimum length 8 inches.
  - ~~((e))~~ (d) Salmon:
    - (i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(18) Cowlitz River (Lewis County):**

(a) From the boundary markers at the mouth to ~~((Mayfield Dam:~~

~~(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.~~

~~(ii) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.~~

~~((iii)) Lexington Bridge:~~

~~(i) July 1 through October 31: Night closure for salmon and steelhead fishing.~~

~~(ii) Game fish:~~

~~(A) Trout:~~

~~(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.~~

~~(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~

~~(B) Steelhead:~~

~~(I) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.~~

~~(II) Open August 1 through August 31: Catch and release.~~

~~(III) Open September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.~~

~~(IV) Open November 1 through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.~~

~~(C) Other game fish: Open year-round, statewide minimum size/daily limit.~~

~~(iii) Salmon:~~

~~(A) Open January 1 through July 31.~~

~~(I) Limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31.~~

~~(I) Limit 6; up to 4 may be adults.~~

~~(II) Only hatchery coho may be retained.~~

~~(b) From the Lexington Bridge to the mouth of Mill Creek:~~

~~(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.~~

~~((iv) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card: Closed waters.~~

~~(v) Barbless hooks are required for salmon, steelhead, and cutthroat trout August 1 through May 31.~~

~~(vi)) (ii) Game fish:~~

~~(A) Trout:~~

~~(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.~~

~~(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~

~~(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(C) Other game fish: Open year-round, statewide minimum size/daily limit.~~

~~(iii) Salmon:~~

~~(A) Open January 1 through July 31.~~

~~(I) Limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31.~~

~~(I) Limit 6; up to 4 may be adults.~~

~~(II) Only hatchery coho may be retained.~~

~~(c) From the mouth of Mill Creek to ~~((the Cowlitz Salmon Hatchery barrier dam:~~~~

~~(A)) 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:~~

~~(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.~~

~~(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card: Closed waters.~~

~~(iii) It is unlawful to fish from a floating device.~~

~~((B)) (iv) April 1 through November 30:~~

~~((H)) (A) Anti-snagging rule.~~

~~((H)) (B) Night closure.~~

~~((C)) (v) May 1 through June 15: It is unlawful to fish from the south side of the river.~~

~~((vii) Open year-round.~~

~~(viii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout:~~

~~(I) Release wild rainbow and wild cutthroat trout.~~

~~(II) The Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(ix) Salmon:~~

~~(A) Open January 1 through July 31.~~

~~(I) Limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31.~~

~~(I) Limit 6; up to 3 may be adults, of which 2 may be Chinook.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(b))~~ (vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(vii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

(i) ~~(Barbless hooks are required for salmon and steelhead.~~

~~(ii))~~ Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

~~(iii))~~ (ii) September 1 through October 31: Anti-snagging rule and night closure.

~~(iv))~~ (iii) Open year-round.

~~(v))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

~~(vi))~~ (v) Salmon:

(A) Open year-round.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

~~((e))~~ (f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

**(19) Deep River (Wahkiakum County):**

(a) Open year-round.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

**(20) Delameter Creek (Cowlitz County):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(21) Drano Lake (Skamania County):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) ~~(Barbless hooks are required for salmon and steelhead January 1 through March 15 and July 1 through September 30.~~

~~(b))~~ Closed on Wednesdays beginning the second Wednesday in April through June 30.

~~((e))~~ (b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

~~((d))~~ (c) March 16 through ~~((June 30))~~ October 31: Night closure.

~~((e))~~ (d) August 1 through December 31: Anti-snagging rule.

~~((f))~~ (e) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

~~((g))~~ (f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

~~((H))~~ (g) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through ~~((July 31))~~ June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) July 1 through July 31: Daily limit 2 hatchery Chinook or 1 hatchery Chinook and 1 hatchery steelhead. Release all other salmon.

(C) August 1 through ~~((December 31))~~ September 30: Daily limit 6; no more than ~~((3 adult salmonids, of which no more than one hatchery steelhead may be retained))~~ 1 adult salmon. Release all steelhead.

(D) October 1 through December 31: Daily limit 6; of which only one may be an adult salmon or hatchery steelhead.

**(22) Elochoman River (Wahkiakum County):**

~~(a) ((From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river: Closed waters.~~

~~(b) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Closed waters.~~

~~(c)) From the mouth to ~~((West Fork))~~ Foster (Risk) Road Bridge:~~

~~(i) ((Open the Saturday before Memorial Day through March 15.~~

~~((ii)) August 1 through October 31:~~

~~(A) Anti-snagging rule~~((;))~~.~~

~~(B) Night closure~~((, and))~~.~~

~~(C) Stationary gear restriction.~~

~~((iii) Barbless hooks are required for salmon and steelhead August 1 through the Friday before Memorial Day.~~

~~((iv)) (i) Open the Saturday before Memorial Day through March 15.~~

~~((ii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((v)) (iv) Salmon: Open the Saturday before Memorial Day through March 15.~~

~~(A) Daily limit 6; up to 2 may be adults.~~

~~(B) Only hatchery Chinook ~~((and hatchery coho))~~ may be retained.~~

~~((d) From the mouth to the Elochoman Hatchery Bridge:)) (v) Salmon and steelhead: ~~((i))~~ Open April 16 through the Friday before Memorial Day~~((-~~~~

~~((ii) Minimum length 12 inches;)) : Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.~~

(b) From Foster (Risk) Road Bridge upstream to 200 feet above the WDFW temporary weir:

(i) From Foster (Risk) Road Bridge to 200 feet above the WDFW temporary weir while the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(vi) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(c) From 200 feet above the WDFW temporary weir to the Elochoman Hatchery Bridge:

(i) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Release all salmon.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(vi) Salmon and steelhead:

(A) Open April 16 through the Friday before Memorial Day.

(B) Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(d) Elochoman Hatchery Bridge to West Fork:

(i) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.



(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(e) From West Fork upstream:

(i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook (~~and hatchery coho~~) may be retained.

(23) **Franz Lake (Skamania County):** Closed waters.

(24) **Germany Creek (Cowlitz County) and all tributaries:**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(25) **Grays River (Wahkiakum County):** From the mouth to South Fork:

(a) (~~Barbless hooks are required for salmon and steelhead.~~

~~(b) Open the Saturday before Memorial Day through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.~~

~~(c) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.~~

~~(d)) From mouth to Barr Road Bridge:~~

~~(i) August 1 through November 15:~~

~~(A) Anti-snagging rule(;-),~~

~~(B) Night closure ((and)),~~

~~(C) Stationary gear restriction(;-~~

~~(i) From the mouth to the Highway 4 Bridge August 1 through November 15)).~~

~~(ii) January 1 through March 15: Selective gear rules.~~

~~(iii) Open Saturday before Memorial Day through March 15.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(v) Salmon:~~

~~(A) Open Saturday before Memorial Day through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

~~(III) All Chinook must be adipose and/or ventral fin clipped to be retained.~~

~~(b) From Barr Road Bridge to Highway 4 Bridge:~~

~~(i) August 1 through November 15:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(C) Stationary gear restriction.~~

~~(ii) January 1 through March 15: Selective gear rules.~~

~~(iii) Open Saturday before Memorial Day through March 15.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(v) Salmon:~~

~~(A) Open Saturday before Memorial Day through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

~~(III) All Chinook must be adipose and/or ventral fin clipped to be retained.~~

~~(c) From the Highway 4 Bridge to the mouth of South Fork ((August 1 through October 15:~~

~~(e) Selective gear rules January 1 through March 15:~~

~~(f) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(g) Salmon:~~

~~(i) From the mouth to the Highway 4 Bridge: Open the Saturday before Memorial Day through December 31:~~

~~(A) Limit 6; up to 2 may be adults.~~

~~(B) Only hatchery Chinook or hatchery coho may be retained.~~

~~(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.~~

~~(ii) From the Highway 4 Bridge to the South Fork: Open the Saturday before Memorial Day through October 15 and December 1 through December 31:~~

~~(A) Limit 6; up to 2 may be adults.~~

~~(B) Only hatchery Chinook or hatchery coho may be retained.~~

~~(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.~~

~~(h)):~~

~~(i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.~~

~~(ii) August 1 through October 15:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(C) Stationary gear restriction.~~

~~(ii) January 1 through March 15: Selective gear rules.~~

~~(iv) Open Saturday before Memorial Day through October 15 and December 1 through March 15.~~

~~(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(vi) Salmon:~~

~~(A) Open Saturday before Memorial Day through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

(B) Open August 1 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(C) Open December 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(d) From South Fork upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through December 31.

(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.

(C) Only hatchery Chinook ~~((and hatchery coho))~~ may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.

**(26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(27) Grays River, East Fork (Wahkiakum County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

**(28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(29) Grays River, South Fork (Wahkiakum County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

**(30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(31) Grays River, West Fork (Wahkiakum County):**

~~(a) ((Barbless hooks are required for salmon and steelhead.~~

~~(b))~~ Open the Saturday before Memorial Day through December 31.

~~((c))~~ (b) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.

~~((d))~~ (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((e))~~ (d) Salmon: Open the Saturday before Memorial Day through December 31.

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook ~~((or hatchery coho))~~ may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

**(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(33) Green River (Cowlitz County):**

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.

~~(iv) ((Barbless hooks required for salmon and steelhead August 1 through November 30.~~

~~(v))~~ Selective gear rules from the Saturday before Memorial Day through July 31 and December 1 through March 15.

~~((vi))~~ (v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vii))~~ (vi) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to ~~((2))~~ 4 may be adults.

(C) Only hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(34) Green River tributaries (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(35) **Grizzly Lake (Skamania County):** Closed waters.

(36) **Hamilton Creek (Skamania County):**

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(37) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

(38) **Indian Heaven Wilderness Lakes (Skamania County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

(39) **Johnson Creek (Lewis County) (Cowlitz River tributary):** Selective gear rules.

(40) **Kalama River (Cowlitz County):**

(a) From ~~((boundary markers at the mouth upstream to 1,000 feet below the fishway at the upper salmon hatchery:~~

~~(i) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.~~

~~(ii) From the railroad bridge below I-5 to the intake at the lower salmon hatchery: From April 1 through October 31:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.~~

~~(iv) Barbless hooks are required for salmon and steelhead.~~

~~(v) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.~~

~~(vi) Open year-round.~~

~~(vii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(viii) Salmon:~~

~~(A) Open January 1 through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(b)) the mouth to the railroad bridge below Interstate 5:~~

(i) July 1 through October 31: Night closure.

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Release all steelhead.

(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the railroad bridge below Interstate 5 to Modrow Bridge:

(i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(c) From the Modrow Bridge to the natural gas pipeline crossing:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(d) From the natural gas pipeline crossing to the deadline at the intake to the lower salmon hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Open September 1 through October 31 for fly fishing only, except: Use of barbed hooks is allowed.

(iv) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(e) From intake of the lower salmon hatchery to 1,000 feet below fishway at the upper salmon hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(f) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.

((e)) (g) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:

(i) Open year-round.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

((d)) (h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: ~~((i) Barbed hooks are required for salmon and steelhead.~~

((i)) Open year-round:

~~((A)) (i) Fly fishing only, except: Use of barbed hooks is allowed.~~

~~((B)) (ii) Game fish: Statewide minimum length/daily limit, except:~~

~~((H)) (A) Trout: Daily limit 2; minimum length 14 inches.~~

~~((H)) (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((e)) (i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:~~

~~(i) Selective gear rules, except: Use of barbed hooks is allowed.~~

~~(ii) Open the Saturday before Memorial Day through November 30.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((F)) (j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.~~

~~(41) Klickitat River (Klickitat County):~~

~~(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:~~

~~(i) April 1 through the Friday before Memorial Day:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(ii) July 1 through July 31: Night closure.~~

~~(iii) August 1 through January 31:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(iv) Game fish:~~

~~(A) Open Saturday before Memorial Day through January 31.~~

~~(B) Statewide minimum length/daily limit, except:~~

~~(C) Trout: Daily limit 2; minimum length 14 inches.~~

~~(v) Steelhead:~~

~~(A) Open Saturday before Memorial Day through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.~~

~~(B) Open July 1 through July 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.~~

~~(C) August 1 through August 31: Catch and release.~~

~~(D) Open September 1 through October 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.~~

~~(E) Open November 1 through January 31: Daily limit 3 hatchery steelhead, minimum length 20 inches.~~

~~(vi) Salmon:~~

~~(A) Open Saturday before Memorial Day through July 31: Daily limit 6; no more than 2 adults may be retained. Release wild Chinook.~~

~~(B) Open August 1 through January 31: Daily limit 6; no more than 3 adults may be retained.~~

~~(vii) Salmon and steelhead:~~

~~(A) Open April 1 to the Friday before Memorial Day ~~((open only))~~ for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:~~

~~((A) Anti-snagging rule and night closure.~~

~~(B))~~ (I) Daily limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

~~((C))~~ (II) Release wild Chinook.

~~((D))~~ Barbless hooks required for salmon and steelhead.

~~(ii) Open Saturday before Memorial Day through July 31.~~

~~(A) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(B) Salmon: Daily limit 6; no more than 2 adults may be retained. Release wild Chinook.~~

~~(C) Barbless hooks required for salmon and steelhead.~~

~~(iii) Open August 1 through January 31.~~

~~(A) Anti snagging rule and night closure.~~

~~(B) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(C) Salmon: Daily limit 6; no more than 3 adults may be retained.))~~

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) ~~((Barbless hooks are required for salmon and steelhead.~~

~~(ii))~~ Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((iii))~~ (ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

~~((iv))~~ (iii) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((iv) Barbless hooks are required for salmon and steelhead.))~~

(42) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.

(43) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(44) **Lewis River (Clark County):**

(a) ~~((Mouth to the mouth of Colvin Creek:~~

~~(i) Open year-round.~~

~~(ii))~~ From the mouth to the mouth of the East Fork Lewis River:

(i) July 1 through October 31: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Release all steelhead.

(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) November 1 through June 30: Daily limit 3 steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:  
 (I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.  
 (II) Only Chinook and hatchery coho may be retained.  
 (b) From the mouth of the East Fork Lewis River to Johnson Creek.  
 (i) Game fish:  
 (A) Open year-round.  
 (B) Statewide minimum length/daily limit, except:  
 (I) Trout: Daily limit 2; minimum length 14 inches.  
 (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 (ii) Salmon:  
 (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.  
 (B) Open August 1 through September 30:  
 (I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.  
 (II) Only hatchery Chinook and hatchery coho may be retained.  
 (C) Open October 1 through December 31:  
 (I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.  
 (II) Only Chinook and hatchery coho may be retained.  
 (c) From Johnson Creek (~~upstream~~) to Colvin Creek:  
 (i) May 1 through May 31: Closed waters.  
 ((iii)) (ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.  
 ((iv)) ~~Barbless hooks are required for salmon and steelhead.~~  
 (v)) (iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure ~~((from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30.~~  
 (vi) ~~It is unlawful to fish from a floating device from October 1 through November 30 from the mouth of Johnson Creek upstream to the mouth of Colvin Creek).~~  
 ((vii)) (iv) Game fish:  
 (A) Open June 1 through April 30.  
 (B) Statewide minimum length/daily limit, except:  
 ((A)) (I) Trout: Daily limit 2; minimum length 14 inches.  
 ((B)) (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 ((viii)) (v) Salmon:  
 (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.  
 (B) Open August 1 through September 30:  
 (I) Daily limit 6; up to ((2)) 4 may be adults, of which 2 may be Chinook.  
 (II) Only hatchery Chinook and hatchery coho may be retained.  
 (C) Open October 1 through December 31:  
 (I) Limit 6; up to ((2)) 4 may be adults, of which only ((one)) 2 may be ((a)) Chinook.  
 (II) Only Chinook and hatchery coho may be retained.  
 ((b)) (d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) ~~((Barbless hooks are required for salmon and steelhead.~~  
 ((ii)) Open June 1 through October 31 and December 16 through April 30.  
 ((iii)) (ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.  
 ((iv)) (iii) Game fish: Statewide minimum length/daily limit, except:  
 (A) Trout: Daily limit 2; minimum length 14 inches.  
 (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 ((v)) (iv) Salmon:  
 (A) ~~((Open August 1 through October 31 and December 16 through April 30.~~  
 (B)) January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.  
 ((C)) (B) August 1 through September 30:  
 (I) Daily limit 6; up to ((2)) 4 may be adults; of which 2 may be Chinook.  
 (II) Only hatchery Chinook and hatchery coho may be retained.  
 ((D)) (C) October 1 through October 31 and December 16 through December 31:  
 (I) Daily limit 6; up to ((2)) 4 may be adults, of which ((one)) 2 may be ((a)) Chinook.  
 (II) Only Chinook and hatchery coho may be retained.  
 ((E)) (e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.  
 ((F)) (f) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.  
 ((G)) (g) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.  
 ((H)) (h) Lewis River Power Canal:  
 (i) Open the fourth Saturday in April through October 31.  
 (ii) It is unlawful to fish from a floating device.  
 (iii) Game fish: Statewide minimum length/daily limit, except:  
 (iv) Trout: Daily limit 5; no minimum length.  
 ((G)) (i) From Eagle Cliff Bridge to and including Muddy River, including tributaries:  
 (i) Selective gear rules.  
 (ii) Open the Saturday before Memorial Day through July 15.  
 (iii) Game fish: Statewide minimum length/daily limit, except:  
 ((iv)) (A) Trout: ((A)) Daily limit 10; minimum length 8 inches.  
 (B) Release wild trout.  
 ((H)) (j) From above Muddy River to the lower falls and tributaries:  
 (i) Selective gear rules.  
 (ii) Release all fish.  
 (45) **Lewis River, East Fork (Clark/Skamania counties):**  
 (a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.  
 (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

(c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.

(d) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open September 16 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(46) **Little Klickitat River (Klickitat County):** Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

(47) **Little Washougal River (Clark County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(48) **Little White Salmon River (Skamania County):**

(a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.

(49) **Love Lake (Clark County):** Closed waters.

(50) **Mayfield Lake (Reservoir) (Lewis County):**

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 10; minimum length 8 inches.

(ii) Release wild rainbow trout and wild cutthroat trout.

(d) Salmon:

(i) Open September 1 through December 31:

(ii) Daily limit 6; minimum length 12 inches.

(iii) No more than 2 may be adults.

(iv) Only hatchery Chinook and hatchery coho may be retained.

(51) **Merrill Lake (Cowlitz County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(52) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.

(53) **Mill Creek (Cowlitz County):**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(54) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.

(c) Anti-snagging rule from December 1 through December 31.

(d) Night closure from December 1 through December 31.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(55) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(56) **Olequa Creek (Lewis/Cowlitz counties):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.





(70) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.

(71) **Spirit Lake (Skamania County):** Closed waters.

(72) **Spring Creek (Klickitat County):** From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.

(73) **Stillwater Creek (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(74) **Swift Reservoir (Skamania County):**

(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iii) Salmon:

(A) Open the Saturday before Memorial Day through November 30.

(B) ~~(Landlocked salmon rules.~~

~~(C))~~ Salmon count toward trout daily limit.

(C) Minimum length 8 inches.

(D) Maximum length 15 inches.

(E) No catch record card required.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(75) **Tilton River (Lewis County):** From the mouth to the West Fork:

(a) Within posted "Closed Waters": Signs around the adult fish release site: Closed waters.

(b) ~~((Barbless hooks are required for salmon and steelhead.~~

~~(e))~~ Anti-snagging rule from September 1 through October 31.

~~((d))~~ (c) Night closure from September 1 through October 31.

~~((e))~~ (d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.

~~((f))~~ (e) Salmon:

(i) Open year-round.

(ii) Limit 6; up to 2 may be adults.

(iii) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(76) **Tilton River, East, North, South and West Forks (Lewis County):** Selective gear rules.

(77) **Toutle River (Cowlitz County):** From the mouth to the forks:

~~(a) ((Barbless hooks required for salmon and steelhead.~~

~~(b))~~ Open the Saturday before Memorial Day through March 15.

~~((e))~~ (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((d))~~ (c) Salmon open August 1 through November 30:

(i) Daily limit 6; up to ((2)) 4 may be adults~~((, of which one may be a hatchery Chinook)).~~

(ii) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(78) **Toutle River tributaries (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

(79) **Toutle River, North Fork (Cowlitz County):**

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) ~~((Barbless hooks are required for salmon and steelhead.~~

~~(iv))~~ Selective gear rules the Saturday before Memorial Day through July 31 and December 1 through March 15.

~~((v))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vi))~~ (v) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 2 may be adults, of which one may be a Chinook.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) **Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(81) Toutle River, South Fork (Cowlitz County):**

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30: ~~((A) Barbed hooks are required for salmon and steelhead from August 1 through November 30.~~~~((B))~~ Game fish: Statewide minimum length/daily limit, except:~~((H))~~ (A) Trout: Daily limit 2; minimum length 14 inches.~~((H))~~ (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) ~~((A) Barbed hooks are required for salmon and steelhead from August 1 through November 30.~~~~((ii))~~ Open the Saturday before Memorial Day through March 15.~~((iii))~~ (ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((v))~~ (iv) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

**(82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(83) **Walupt Lake (Lewis County):** All inlet streams: Closed waters.**(84) Washougal River (Clark County):**(a) From the mouth to the ~~((Mount Norway Bridge))~~ boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

~~((Anti-snagging rule from))~~ July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.(B) Game fish: Statewide minimum length/daily limit, except: ~~((H))~~ Release all trout.~~((H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.)~~

(v) Open the Saturday before Memorial Day through March 15.

(A) ~~((Barbed hooks are required for salmon and steelhead.~~~~((B))~~ Game fish: Statewide minimum length/daily limit, except:~~((H))~~ (B) Trout: Daily limit 2; minimum length 14 inches.~~((H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.)~~(vi) Steelhead:(A) Open Saturday before Memorial Day through July 31: Daily limit 3 hatchery steelhead; minimum length 20 inches.(B) August 1 through October 15: Catch and release.(C) October 16 through Friday before Memorial Day: Daily limit 3 hatchery steelhead; minimum length 20 inches.(vii) Salmon:(A) Open ~~((August 1))~~ October 16 through December 31.(B) Limit 6; up to ~~((2))~~ 3 may be adults.(C) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.(b) From the ~~((Mount Norway Bridge))~~ boat ramp at the WDFW county line access site to the bridge at Salmon Falls:(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.(ii) August 1 through October 31:(A) Anti-snagging rule ~~((from August 1 through October 31)).~~~~((iii))~~ (B) Night closure ~~((from August 1 through October 31)).~~

(iii) Game fish:

(A) Open from the Saturday before Memorial Day through March 15.

(B) Game fish: Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(D) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.

**(85) Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

(b) From the intake at the department hatchery upstream:

(i) ~~((Barbless hooks are required for salmon and steelhead.~~

~~((ii)))~~ Open the Saturday before Memorial Day through March 15.

~~((iii)))~~ (ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((iv)))~~ (iii) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

**(86) White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

(i) ~~((It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.~~

~~((ii)))~~ Open year-round.

~~((iii)))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iii) July 1 through October 31: Night closure for salmon and steelhead.

(iv) August 1 through December 31: Anti-snagging rule.

(v) Salmon and steelhead:

(A) April 1 through ~~((July 31))~~ June 30:

(I) Daily limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) July 1 through July 31:

(I) Daily limit 2; no more than 2 salmon or 1 salmon and 1 hatchery steelhead.

(II) Release wild Chinook.

(C) August 1 through ~~((March 31))~~ August 31:

(I) Daily limit 6; no more than 2 adult salmon ~~((, or 2 hatchery steelhead, or one of each, may be retained)).~~ Release all steelhead.

(II) ~~((Salmon:))~~ Only hatchery Chinook and hatchery coho may be retained.

(D) September 1 through October 31:

(I) Daily limit 6; no more than 2 adult salmon, or 1 adult salmon and 1 hatchery steelhead.

(II) Only hatchery Chinook and hatchery coho may be retained.

(E) November 1 through March 31:

(I) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to Big Brother Falls (river mile 16):

(i) From Big Brother Falls downstream 400 feet: Closed waters.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Saturday before Memorial Day through July 31:

(I) Daily limit 2 fish, no more than 2 salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(B) August 1 through October 31:

(I) Daily limit 6; no more than 2 adult salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

**(87) Wind River (Skamania County):**

(a) From the mouth to the Highway 14 Bridge:

(i) Open year-round.

~~((ii))~~ ~~((Barbless hooks are required for salmon and steelhead except from March 16 through June 30.~~

~~((iii)))~~ March 16 through June 30: Night closure.

~~((iv)))~~ (iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

~~((v)))~~ (iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(v) July 1 through October 31: Night closure for salmon and steelhead fishing.

(vi) August 1 through October 31: Anti-snagging rule applies.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

(A) ~~((Open March 16 through October 31:~~

~~((B)))~~ March 16 through June 30: Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. ~~((C)))~~ Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

(ii) ~~((Barbless hooks are required for salmon and steelhead from July 1 through March 15.~~

~~((iii)))~~ March 16 through June 30: Night closure.

(iii) July 1 through October 31: Night closure for salmon and steelhead fishing.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through ~~((October 31.~~

~~((B)))~~ June 30: Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained. ~~((C)))~~ Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules.

(h) From Moore Bridge upstream: Closed waters.

**(88) Wind River tributaries (Skamania County):** Closed waters.

**(89) Yale Reservoir (Cowlitz County):** Landlocked salmon rules.

**(90) Yellowjacket Creek (tributary to Cispus River) (Lewis County):** Selective gear rules.

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

**WAC 220-312-040 Freshwater exceptions to state-wide rules—Puget Sound.** (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

**(2) County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

(4) **Alexander Lake (Kitsap County):** Closed waters.

(5) **American Lake (Pierce County):**

(a) Chumming is permissible.

(b) Combined daily limit of trout and kokanee is 5, any length.

(6) **Anderson Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(7) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(8) **Bainbridge Island - All streams (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(9) **Baker Lake (Whatcom County):**

(a) Closed waters within a 200 foot radius around the pump discharge at the south end of the lake.

(b) Chumming is permissible.

(c) Open the fourth Saturday in April through October 31.

(d) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.

- (e) Salmon: Open July ((7)) 6 through September ((7)) 16.
- (i) Sockeye: Daily limit 3; minimum length 18 inches.
- (ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.
- (10) **Baker River (Skagit/Whatcom County):** From the mouth to the Lower Baker Dam: Closed waters.
- (11) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (12) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**
- (a) Open July 1 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (13) **Big Beef Creek (Kitsap County):**
- (a) From Seabeck Highway Bridge to Lake Symington:
- (i) Open the Saturday before Memorial Day through August 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.
- (b) From Lake Symington upstream:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (14) **Big Lake (Skagit County):** Landlocked salmon rules.
- (15) **Big Mission Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (16) **Big Quilcene River (Jefferson County):**
- (a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15.
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From Rodgers Street to the Highway 101 Bridge:
- (i) From the Saturday before Memorial Day through August 15: Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) From August 16 through October 31:
- (A) Night closure.
- (B) Anti-snagging rules.
- (v) Salmon:
- (A) Open August 16 through October 31.
- (B) Daily limit 4 coho only; minimum length 12 inches.
- (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.

- (d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (17) **Big Soos Creek (King County):** From the mouth to the hatchery rack:
- (a) Open the Saturday before Memorial Day through August 31.
- (b) Game fish: Statewide minimum length/daily limit, except: ((+)) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((ii) Release all steelhead.)~~
- (18) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Crappie: Daily limit 10; minimum length 9 inches.
- (b) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (19) **Blackjack Creek (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (20) **Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.
- (21) **Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (22) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:
- (a) Open ~~((the Saturday before Memorial Day through July))~~ September 16 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (23) **Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (24) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.
- (25) **Burley Creek (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (26) **Cady Lake (Mason County):**
- (a) Fly fishing only.
- (b) Release all fish.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (27) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (28) **Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (29) **Campbell Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(30) **Campbell Lake (Skagit County):** Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

(31) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**

(a) From the mouth to the forks (North Fork and South Fork).

(i) Open (~~the Saturday before Memorial Day~~) September 16 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the forks (North Fork and South Fork) upstream: Closed waters.

(32) **Capitol Lake (Thurston County):** Closed waters.

(33) **Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through November 30.

(B) Daily limit 6 fish of which no more than 2 may be adults, minimum length 12 inches.

(C) Release wild coho, wild Chinook and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) **Carney Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules.

(35) **Cascade Creek (San Juan County):**

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(36) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.

(37) **Cascade River (Skagit County):**

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through January 31:

(A) June 1 through July 15: Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.

(C) Release all other salmon.

(iii) Open September 16 through November 30.

(A) Daily limit 4 coho may be retained; minimum length 12 inches. Release all other salmon.

(B) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(38) **Cavanaugh Lake (Skagit County):** Chumming is permissible.

(39) **Cedar River (King County):**

(a) From the mouth to Landsburg Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) From Landsburg Bridge upstream to the falls: Closed waters.

(40) **Chain Lake (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(41) **Chambers Creek (Pierce County):**

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:

(i) Selective gear rules, except bait is permissible September 1 through October 15.

(ii) Open the Saturday before Memorial Day through November 15 for game fish and salmon.

(iii) Night closure.

(iv) ~~(Anti-snagging rules.~~

~~(v))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((v))~~ (v) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Selective gear rules.

(ii) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(42) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(43) Channel Creek (Whatcom County) (Baker River tributary):** Open the Saturday before Memorial Day through August 31.

**(44) Chaplain Creek (Snohomish County) (Sultan River tributary):** Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

**(45) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** From the mouth to Cherry Creek Falls: Selective gear rules.

**(46) Chico Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(47) Church Creek (Mason County):** From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.

**(48) Clear Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(49) Clear Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

**(50) Clear Lake (Thurston County):** Open the fourth Saturday in April through October 31.

**(51) Clearwater River (Pierce County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(52) Clover Creek (Pierce County):** From the mouth upstream to Steilacoom Lake: Closed waters.

**(53) Cottage Lake (King County):** Open the fourth Saturday in April through October 31.

**(54) Coulter Creek (Kitsap/Mason counties):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(55) County Line Ponds (Skagit County):** Closed waters.

**(56) Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

**(57) Cranberry Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(58) Crescent Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(59) Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.

**(60) Crocker Lake (Jefferson County):** Closed to trout fishing.

**(61) Cushman Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.

**(62) Dakota Creek (Whatcom County):** From the mouth to Giles Road Bridge.

(a) Open the Saturday before Memorial Day through December 31.

(b) Selective gear rules.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Daily limit 2 salmon; minimum length 12 inches.

(iii) Release wild Chinook (~~and wild coho~~).

**(63) De Coursey Pond (Pierce County):** Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

**(64) Deer Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(65) Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:** Closed waters.

**(66) Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

**(67) Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

**(68) Deschutes River (Thurston County):** From Old Highway 99 Bridge upstream:

(a) Selective gear rules.

(b) Game fish:

(i) Open year-round.

(ii) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Salmon:

(i) Open (~~July 1 through October 15~~) year-round.

(ii) Limit 6; no more than 2 adult salmon may be retained.

(iii) Release coho.

**(69) Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.

**(70) Dewatto River (Mason County):**

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the Saturday before Memorial Day through August 15 and October 1 through October 31.

(ii) Selective gear rules.

(iii) October 1 through October 31: Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) No steelhead retention.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(71) Dogfish Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(72) Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.**(73) Dosewallips River (Jefferson County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(74) Duckabush River (Jefferson County):**

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Daily limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(75) Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.**(76) Eglon Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(77) Elson Creek (Thurston County):** Closed waters.**(78) Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.**(79) Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.**(80) Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA

accessible site at the Hoodsport Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

**(81) Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.**(82) Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.**(83) Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.**(84) Fulton Creek (Mason County):** From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(85) Geneva Lake (King County):** Open the fourth Saturday in April through October 31.**(86) Gibbs Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(87) Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.**(88) Goldsborough Creek and tributaries (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(89) Goodwin Lake (Snohomish County):** Chumming is permissible.**(90) Goss Lake (Island County):** Open the fourth Saturday in April through October 31.**(91) Gorst Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(92) Granite Lakes (near Marblemount) (Skagit County):** Game fish: Statewide minimum length/daily limit, except: Release Grayling.**(93) Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.**(94) Green (Duwamish) River (King County):**

(a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~((B) Release steelhead.)~~

(ii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.



(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. ~~((H))~~ Release Chinook.

~~((H))~~ ~~Salmon minimum length 12 inches.~~

~~((H))~~ (D) Game fish: Statewide minimum length/daily limit, except: ~~((aa))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((bb))~~ Release steelhead.)

(b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((B))~~ Release steelhead.)

(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Only 1 Chinook may be retained.

~~((iv))~~ August 20 through August 31: Release Chinook.

~~(v))~~ September 1 through December 31: Only one Chinook may be retained.

~~(A))~~ ~~Salmon minimum length 12 inches.~~

~~(B))~~ (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((vi))~~ (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon, up to 3 adults may be retained, of which one may be a Chinook.

~~((F))~~ ~~Salmon: Minimum length 12 inches.~~

~~(H))~~ (D) Game fish: Statewide minimum length/daily limit, except: ~~((aa))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((bb))~~ Release steelhead.)

(c) From the South 212th Street Bridge to the ~~((Auburn-Black Diamond Road))~~ Highway 18 Eastbound Bridge:

(i) ~~((From 150 feet below the mouth of Big Soos Creek))~~ Open for game fish the Saturday before Memorial Day through August 15.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

~~((ii))~~ ~~Open for game fish the Saturday before Memorial Day through August 15.~~

~~(iii))~~ ~~Game fish: Statewide minimum length/daily limit, except:~~

~~(A))~~ ~~Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(B))~~ ~~Release steelhead.~~

~~(iv))~~ ~~In years ending in odd numbers, open for game fish and salmon September 16 through December 31:~~

~~(A))~~ ~~Anti-snagging rules.~~

~~(B))~~ ~~Night closure.~~

~~(C))~~ ~~Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(I))~~ ~~Release Chinook.~~

~~(II))~~ ~~Salmon: Minimum length 12 inches.~~

~~(D))~~ ~~Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v))~~ ~~In years ending in even numbers, open for game fish and salmon October 1 through December 31:~~

~~(A))~~ ~~Anti-snagging rules.~~

~~(B))~~ ~~Night closure.~~

~~(C))~~ ~~Daily limit 6 salmon of which no more than 3 adults may be retained:~~

~~(I))~~ ~~Release Chinook.~~

~~(II))~~ ~~Salmon: Minimum length 12 inches.~~

~~(D))~~ ~~Game fish: Statewide minimum length/daily limit, except:~~

~~(I))~~ ~~Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(II))~~ ~~Release steelhead.~~

~~(d))~~ (e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek (at Flaming Geyser State Park):

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) Open for game fish the Saturday before Memorial Day through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((B) Release steelhead.)~~

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. ~~((H))~~ Release Chinook.

~~((H) Salmon: Minimum length 12 inches.)~~

(D) Game fish: Statewide minimum length/daily limit, except: ~~((H))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((H) Release steelhead.)~~

~~(e))~~ (f) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):

(i) ~~((Closed waters))~~ Within 150 feet of the Palmer Pond outlet rack: Closed waters.

(ii) Open for game fish the Saturday before Memorial Day through December 31.

(iii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((B) Release steelhead.)~~

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. ~~((H))~~ Release Chinook.

~~((H) Salmon: Minimum length 12 inches.)~~

(95) **Greenwater River (King County):** From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

(96) **Grovers Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(97) **Hamma Hamma River (Mason County):** From the mouth to 400 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(98) **Hancock Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(99) **Harvey Creek (Snohomish County):** Closed waters.

(100) **Haven Lake (Mason County):** Open the fourth Saturday in April through October 31.

(101) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

(102) **Heins Lake (Kitsap County):** Closed waters.

(103) **Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(104) **Horseshoe Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(105) **Horseshoe Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(106) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(107) **Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

(108) **Hozomeen Lake (Whatcom County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(109) **Illahee Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(110) **Issaquah Creek (King County):** Open the Saturday before Memorial Day through August 31.

(111) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(112) **Jennings Park Pond (Snohomish County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(113) **Jimmy-come-lately Creek (Clallam County):** From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

(114) **Johns Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(115) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

(116) **Kennedy Creek (Mason County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From Highway 101 Bridge upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) October 1 through October 31: ~~((A) Anti-snagging rules.~~

~~(B))~~ Night closure.

(117) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(118) **Kings Lake Bog (King County):** Closed waters.

(119) **Kitsap Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(120) **Koeneman Lake (Fern Lake) (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Release all fish.

(121) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.

(122) **LeBar Creek (Mason County):** From the mouth to the falls at river mile 1: Closed waters.

(123) **Lilliwaup River (Mason County):** From the mouth to 200 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(124) **Limerick Lake (Mason County):** Open the fourth Saturday in April through October 31.

(125) **Little Quilcene River (Jefferson County):** From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(126) **Little Scandia Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(127) **Lone Lake (Island County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

(128) **Long's Pond (Thurston County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(129) **Maggie Lake (Mason County):** Open the fourth Saturday in April through October 31.

(130) **Malaney Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(131) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.

(132) **Martha Lake (Alderwood Manor) (Snohomish County):** Open the fourth Saturday in April through October 31.

(133) **Martha Lake (Warm Beach) (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(134) **Mashel River (Pierce County):** Closed waters.

(135) **McAllister Creek (Thurston County):**

(a) Open the Saturday before Memorial Day through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open July 1 through November 30.

(ii) Daily limit 6; of which no more than 2 may be adults.

(iii) Release ~~((cho))~~ chum, wild coho, and wild Chinook.

(136) **McLane Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Night closure.

(137) **McMurray Lake (Skagit County):** Open the fourth Saturday in April through October 31. Landlocked salmon rules.

(138) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(139) **Mill Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(140) **Mill Pond (Auburn) (King County):** Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(141) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon ~~((October))~~ September 16 through December 15.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; no more than 2 adult salmon may be retained. Release ~~((Chinook and))~~ wild coho.

(142) **Mission Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(143) **Monte Cristo Lake (Snohomish County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

(144) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

**(145) Munn Lake (Thurston County):**

- (a) Selective gear rules.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (c) Release all fish.
- (146) Nisqually River (Pierce County):**
- (a) From the mouth to Military Tank Crossing Bridge:
    - (i) Anti-snagging rules.
    - (ii) Night closure.
    - (iii) Barbless hooks are required.
    - (iv) Open July 1 through ~~((September 30))~~ November 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: Open July 1 through ~~((October 1))~~ November 15: Closed Sundays.

(A) Daily limit 6; no more than 2 adults may be retained.

(B) Release ~~((one))~~ chum and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(147) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(148) Nooksack River (Whatcom County):**

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: ~~((A))~~ Open September 1 through December 31:

~~((H))~~ (A) Daily limit 2, plus 2 additional hatchery coho.

~~((H))~~ (B) Release wild Chinook and pink September 1 through September 30.

~~((B))~~ In odd-numbered years, open July 16 through August 31:

~~(I)~~ Daily limit 4 pink salmon.

~~(H)~~ It is unlawful to use bait.

~~(H)~~ It is unlawful to use anything other than single-point barbless hooks measuring 1/2 inch or less from point to shank.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through December 31:

(B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.

(C) Release pink salmon.

**(149) Nooksack River, North Fork (Whatcom County):**

(a) From the mouth to the Highway 9 bridge: Closed waters.

(b) From the Highway 9 bridge to Maple Creek:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho.

(C) Release pink salmon.

(c) From Maple Creek to Nooksack Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(150) Nooksack River, Middle Fork (Whatcom County):** From the mouth to the city of Bellingham diversion dam:

(a) November 1 through January 31: It is unlawful to use motors.

(b) Open the Saturday before Memorial Day through January 31.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(151) Nooksack River, South Fork (Skagit/Whatcom counties):**

(a) From the mouth to Skookum Creek:

(i) Open October 1 through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Only one single-point hook allowed.

(iv) From October 1 through November 30: Night closure.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(vi) Salmon open October 1 through December 31:

(A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.

(B) Release chum and pink salmon.

(C) Release wild Chinook October 1 through October 15.

(b) From Skookum Creek upstream to Wanlick Creek: Closed waters.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(152) **North Lake (King County):** Open the fourth Saturday in April through October 31.

(153) **Northern State Hospital Pond (Skagit County):** Open for juvenile anglers only.

(154) **Olalla Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(155) **Old Fishing Hole Pond (Kent, King County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

(156) **Osborne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(157) **Padden Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(158) **Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(159) **Pass Lake (Skagit County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Release all ((fish)) trout.

(160) **Perry Creek (Thurston County):** From the mouth to the falls:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(161) **Phillips Lake (Mason County):** Open the fourth Saturday in April through October 31.

(162) **Pilchuck Creek (Snohomish County):**

(a) From the mouth to the ((Pilchuck Falls)) Highway 9 Bridge:

~~((a)) (i) Open ((the Saturday before Memorial Day)) September 16 through January 31.~~

~~((b) From the Saturday before Memorial Day through November 30;)) (ii) Selective gear rules.~~

~~((c)) (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30: selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(163) **Pilchuck River (Snohomish County):**

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

(164) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

(165) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed waters.

(166) **Pipers Creek (King County) and tributaries:** Closed waters.

(167) **Portage Creek (Snohomish County):** Closed waters.

(168) **Prices Lake (Mason County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(169) **Puyallup River (Pierce County):**

(a) From the 11th Street Bridge to ((Carbon River)) East Main Bridge:

~~(i) ((Open for game fish August 15 through December 31.~~

~~(ii) Closed waters within 400 feet of the mouth of Clarks Creek.~~

~~(iii)) From August 15 through August 31 all waters closed Sundays.~~

~~((iv)) (ii) From September 1 through October 31 all waters closed Sundays, Mondays, and Tuesdays.~~

~~((v)) (iii) August 15 through November 30:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Barbless hooks are required.~~

~~((vi)) (iv) Open for game fish August 15 through December 31.~~

(v) Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vii)) (vi) Salmon:~~

~~(A) Open August 15 through December 31.~~

~~(B) Daily limit 6. No more than 2 adults may be retained.~~

~~(C) Release ((wild coho)) chum and wild Chinook.~~

(b) From East Main Bridge to Carbon River:

(i) From August 15 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(ii) Game fish:

(A) Open August 15 through December 31.

(B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:(A) Open August 15 through December 31.(B) Daily limit 6. No more than 2 adults may be retained.(C) Release chum and wild Chinook.(c) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(170) **Raging River (King County):** From the mouth to the Highway 18 Bridge:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(171) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(172) **Rattlesnake Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(173) **Ravensdale Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(174) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(175) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.

(176) **Rocky Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

(177) **Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(178) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

(179) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(180) **Ruby Creek (Whatcom County):** Closed waters.

(181) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

(182) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

(183) **Salmonberry Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(184) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: Daily limit 2; minimum length 14 inches.

(185) **Samish River (Skagit County):**

(a) From the mouth to the I-5 Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) From December 1 through December 31: Selective gear rules.

(v) Salmon:

(A) Open August 1 through ~~(October 31)~~ September 22.

(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release pink and wild coho.

(b) From the I-5 Bridge to the Old Highway 99 Bridge:

(i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.

(ii) Open the Saturday before Memorial Day through August 30.

(iii) Selective gear rules.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the WDFW hatchery rack to Hickson Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(186) **Sammamish Lake (King County):**

(a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Release all kokanee.

(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.

(e) Open for salmon from October 1 through November 30.

(i) Salmon: Daily limit 4 coho only.

(ii) Release Chinook and sockeye.

(187) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules.

(c) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(188) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(189) **Sauk River (Skagit/Snohomish counties):**

(a) Selective gear rules.

(b) Release all fish except hatchery steelhead.

(c) From the mouth to Darrington Bridge:

(i) Open June 1 through January 31.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.

(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.

(f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.

(190) **Sawyer Lake (King County):** Chumming is permissible.

(191) **Schneider Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(192) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(193) **Shady Lake (King County):** Open the fourth Saturday in April through October 31.

(194) **Shannon, Lake (Skagit County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.

(195) **Shelton Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(196) **Sherwood Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(197) **Sherwood Creek Mill Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(198) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.

(199) **Silent Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(200) **Silver Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(201) **Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(202) **Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.

(203) **Skagit River (Skagit/Whatcom counties):**

~~(a) ((From the mouth to Highway 530 Bridge at Rockport: Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(ii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.~~

~~(b))~~ From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) March 1 through August 31:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

~~((e))~~ (b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(A) Night closure: June 1 through July 15.

(B) From June 1 through June 15 and July 16 through August 31.

(I) Selective gear rules except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) Open June 16 through July 15.

(B) Daily limit 3 sockeye only.

(I) Open September 1 through December 31.

(II) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

~~((d))~~ (c) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) From June 1 through August 31:

(A) Selective gear rules.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(C) Night closure.

(iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

## (v) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((e)) (d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through August 31:

(A) Night closure.

(B) Selective gear rules.

(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

## (vi) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((f)) (e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:

(A) June 1 through July 15; anti-snagging rules.

(B) June 1 through July 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Daily limit 4 hatchery Chinook only.

(C) Only 2 adult hatchery Chinook may be retained as part of the limit.

(D) Open September 1 through December 31.

(E) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((g)) (f) From Cascade River Road to the Gorge Pow-erhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except hatchery steelhead.

## (204) Skokomish River (Mason County):

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

## (205) Skokomish River, North Fork (Mason County):

(a) From the mouth to the lower dam:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Release all fish.

## (206) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

## (207) Skookum Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

## (208) Skykomish River (Snohomish County):

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon:

(A) Open ~~((June 1))~~ the Saturday before Memorial Day through July 31: Daily limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open ~~((August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.))~~ September 1 through September 30:(II) ~~((Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.~~~~((H))~~ Daily limit ((3 salmon; release Chinook and chum)) 1 coho salmon only.(C) For years ending in even numbers: Open September 16 through November 15: Daily limit 2, release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.



(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through (~~(December 31)~~) September 30.

(B) Daily limit (~~(3)~~) 1 coho salmon(~~(; release Chinook and chum)~~) only.

(v) Salmon: For years ending in even numbers:

(A) Open September 16 to November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

**(209) Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

**(210) Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) (~~(From the Saturday before Memorial Day through November 30:)~~) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

**(211) Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(ii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, for years ending in odd numbers:

(A) Open (~~(August)~~) September 1 through (~~(December 31)~~) September 30.

(B) Daily limit (~~(3 salmon; release Chinook and chum)~~) 1 coho salmon only.

(vi) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

(i) Open the Saturday before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open (~~(August 16)~~) September 1 through (~~(December 31)~~) September 30.

(B) (~~(Limit 3; release Chinook and chum.)~~) Daily limit 1 coho salmon only.

(v) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

**(212) Snoqualmie River (King County):**

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon, for years ending in odd numbers:

(A) Open September 1 through (~~(December 31)~~) September 30.

(B) Daily limit (~~(3 salmon; release Chinook and chum)~~) 1 coho salmon only.

- (viii) Salmon, for years ending in even numbers:
  - (A) Open September 15 through November 15.
  - (B) Daily limit 2, release Chinook and chum.
- (b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:
  - (i) Selective gear rules.
  - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (iii) Open the Saturday before Memorial Day through October 31.
  - (iv) Open November 1 through the Friday before Memorial Day: Release all fish.
- (c) Middle Fork from the mouth to the source, including all tributaries:
  - (i) Open year-round.
  - (ii) Selective gear rules.
  - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (iv) Release all fish.
- (213) **South Prairie Creek (Pierce County):** From the mouth to the city of Buckley diversion dam: Closed waters.
- (214) **Spada Lake (Reservoir) (Snohomish County):**
  - (a) Open the fourth Saturday in April through October 31.
    - (b) Selective gear rules.
    - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
    - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.
- (215) **Spada Lake (Reservoir) tributaries (Snohomish County):** Closed waters.
- (216) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.
- (217) **Squalicum Lake (Whatcom County):**
  - (a) Fly fishing only.
  - (b) All motors prohibited.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (218) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**
  - (a) Open (~~the Saturday before Memorial Day through July~~) September 16 through October 31.
  - (b) Selective gear rules.
  - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (219) **Steel Lake (King County):** Open the fourth Saturday in April through October 31.
- (220) **Stetattle Creek (Whatcom County):** From the mouth to Bucket Creek: Closed waters.
- (221) **Stevens, Lake (Snohomish County):** Chumming is permissible.
- (222) **Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.
- (223) **Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

- (224) **Stillaguamish River (Snohomish County):**
  - (a) From the mouth to Marine Drive, including all sloughs:
    - (i) Open year-round.
    - (ii) Night closure.
    - (iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.
    - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
      - (b) From Marine Drive to the forks:
        - (i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.
        - (ii) Open (~~(August 1)~~) September 16 through November 30.
          - (A) Selective gear rules.
          - (B) Night closure.
          - (C) Release all fish except hatchery steelhead.
      - (ii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
        - (iv) Salmon:
          - (A) Open September 16 through November 15.
          - (B) Daily limit 2 coho salmon only.
- (225) **Stillaguamish River, North Fork (Snohomish County):**
  - (a) From the North Fork mouth to the mouth of French Creek:
    - (i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).
    - (ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.
      - (iii) Open the (~~(Saturday before Memorial Day through June 30 and October)~~) September 16 through November 30:
        - (A) Fly fishing only.
        - (B) From (~~(October)~~) September 16 through November 30; night closure.
        - (C) Release all fish except hatchery steelhead.
      - (iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
        - (b) From the mouth of French Creek to Swede Heaven Bridge:
          - (i) From (~~(October)~~) September 16 through November 30:
            - (A) Night closure.
            - (B) Anti-snagging rules.
          - (ii) Open (~~(the Saturday before Memorial Day through June 30 and October)~~) September 16 through November 30:
            - (A) Fly fishing only.
            - (B) Release all fish except hatchery steelhead.
          - (iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open (~~from Saturday before Memorial Day through July 31 and October~~) September 16 through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(226) **Stillaguamish River, South Fork (Snohomish County):**

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open (~~the Saturday before Memorial Day~~) September 16 through January 31.

(ii) From (~~August 1~~) September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(227) **Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(228) **Suiattle River (Skagit/Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

(229) **Sultan River (Snohomish County):** From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(230) **Sultan River; North Fork (Snohomish County):** Closed waters.

(231) **Sultan River; South Fork (Snohomish County):** Closed waters.

(232) **Summit Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(233) **Susan Lake (Thurston County):**

(a) Selective gear rules.

(b) Release all fish.

(234) **Swan's Mill Pond (Stossel Creek) (King County):** Open the Saturday before Memorial Day through October 31.

(235) **Symington Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(236) **Tahuya River (Mason County):**

(a) From the mouth to the Belfair Tahuya Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream: Selective gear rules.

(237) **Tanwax Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(238) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin:** Open year-round.

(239) **Tarboo Creek (Jefferson County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(240) **Tarboo Lake (Jefferson County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(241) **Teal Lake (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(242) **Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

(243) **Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

(244) **Terrell, Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(245) **Thornton Creek (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(246) **Thornton Lake, lower (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(247) **Tiger Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(248) **Toad Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

**(249) Tokul Creek (King County) (Snoqualmie River tributary):**

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

**(250) Tolt River (King County):**

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) ~~((On the North Fork,))~~ From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.**(251) Tolt River, North Fork (King County):**

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

~~((e) On the North Fork))~~ (b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

~~((d) On the South Fork,))~~ **(252) Tolt River, South Fork (King County):** From the mouth upstream to the dam: Closed waters.~~((251))~~ **(253) U Lake (Mason County):** Open the fourth Saturday in April through October 31.~~((252))~~ **(254) Uncle John Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((253))~~ **(255) Union River (Mason County):**

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((254))~~ **(256) Vogler Lake (Skagit County):**

(a) Fly fishing only.

(b) Release all fish.

~~((255))~~ **(257) Wagners Lake (Snohomish County):**

Open the fourth Saturday in April through October 31.

~~((256))~~ **(258) Walker Lake (King County):** Open the fourth Saturday in April through October 31.~~((257))~~ **(259) Wallace River (Snohomish County):**

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through ~~((November))~~ September 30.(B) Daily limit ~~((3 salmon; release Chinook and chum))~~ 1 coho salmon only.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet ~~((upstream))~~ downstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through ~~((November))~~ September 30.(B) ~~((Limit 3 salmon plus 1 additional pink; release Chinook and chum.))~~ Daily limit 1 coho salmon only.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon, release Chinook and chum.

(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.

(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

- (i) Open November 1 through January 31.
- (ii) It is unlawful to fish from any floating device.
- (iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((258))~~ **(260) Wapato Lake (Pierce County):** Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((259))~~ **(261) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):**

- (a) Open year-round.
- (b) Chumming is permissible.
- (c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(d) December 1 through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

- (i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.
- (ii) Trout: Minimum length 12 inches.
- (iii) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((260))~~ **(262) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):**

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) December 1 through the last day in February:

(A) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) March 1 through June 30:

(A) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

~~((261))~~ **(263) Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open August 1 through December 31.

~~((A))~~ ~~(B)~~ Daily limit ~~((6; anglers may retain up to 2 adult salmon.~~

~~(B) Release wild coho))~~ 2.

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) From August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((262))~~ **(264) Whatcom, Lake (Whatcom County):**

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

~~((263))~~ **(265) Whatcom, Lake, tributaries (Whatcom County):** Closed waters.

~~((264))~~ **(266) White (Stuck) River (Pierce County):**

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

~~((265))~~ **(267) White Chuck River (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((266))~~ **(268) Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((267))~~ **(269) Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((268))~~ **(270) Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

~~((269))~~ **(271) Wilkeson Creek (Pierce County) (South Prairie Creek tributary):** From the mouth to the confluence with Gale Creek: Closed waters.

~~((270))~~ **(272) Woodard Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((271))~~ **(273) Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((272))~~ **(274) Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((273))~~ **(275) Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

**AMENDATORY SECTION** (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

**WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:**

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

**(2) Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(3) Ahtanum Creek (Yakima County):** Selective gear rules.

**(4) Ahtanum Creek, North Fork (Yakima County):**

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

**(5) Ahtanum Creek, Middle Fork (Yakima County):**

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

**(6) Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

**(7) Amber Lake (Spokane County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open March 1 through November 30.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(8) American River (Yakima County):**

(a) Selective gear rules.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.

**(9) Amon Wasteway (Benton County):** Selective gear rules.

**(10) Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.

**(11) Asotin Creek, mainstem and forks (Asotin County):**

(a) Closed waters:

(i) South Fork from mouth upstream.

(ii) North Fork from USFS border upstream.

(b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.

(c) Selective gear rules.

**(12) Aspen Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(13) Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

**(14) Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Crappie: Daily limit 10; minimum length 9 inches.

(ii) Yellow perch: Daily limit 25.

**(15) Bayley Lake (Stevens County):**

(a) Inlet stream: Closed waters.

- (b) Open the fourth Saturday in April through October 31.
- (c) Fly fishing only.
- (d) It is unlawful to fish from a floating device equipped with a motor.
- (e) Release all fish.
- (16) Bear Creek (tributary to South Fork Tieton River) (Yakima County):** From the mouth to the falls (approximately 0.75 mile): Closed waters.
- (17) Bear Lake (Spokane County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (18) Beaver Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (19) Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.
- (20) Beaver Lake, (Little):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (21) Beda Lake (Grant County):**
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (22) Beehive (Lake) Reservoir (Chelan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (23) Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (24) Big Four Lake (Columbia County):**
- (a) Fly fishing only.
- (b) It is unlawful to fish from any floating device.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (25) Big Meadow Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (26) Big Twin Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (27) Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (28) Black Canyon Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (29) Black Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (30) Black Lake (Okanogan County):** Selective gear rules.
- (31) Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (32) Blue Lake (Columbia County):** It is unlawful to fish from any floating device.
- (33) Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (34) Blue Lake (near Sinlahekin) (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (35) Blue Lake (near Wannacut Lake) (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.
- (36) Bobcat Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.
- (37) Bonaparte Creek (Okanogan County):** From the mouth to the falls approximately river mile 1.0: Closed waters.
- (38) Bonaparte Lake (Okanogan County):**
- (a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (39) Boulder Creek and tributaries (Okanogan County):** From the mouth to the barrier falls at river mile 1.0: Closed waters.
- (40) Box Canyon Creek and tributaries (Kittitas County):** From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.
- (41) Browns Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (42) Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.
- (43) Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.
- (44) Bumping River (Yakima County):**
- (a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir; selective gear rules.

(45) **Burke Lake (Grant County):** Open March 1 through September 30.

(46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries:**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

(47) **Buzzard Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(48) **Caldwell Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(49) **Caliche Lakes, Upper (Grant County):** Open March 1 through September 30.

(50) **Calispell Creek (Calispell River) (Pend Oreille County):** From the mouth to Calispell Lake: Open year-round.

(51) **Campbell Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(52) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(53) **Cascade Lake (Grant County):** Open March 1 through September 30.

(54) **Cattail Lake (Grant County):** Open the fourth Saturday in April through September 30.

(55) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**

(a) From the mouth to Cedar Falls:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From Cedar Falls upstream including tributaries: Selective gear rules.

(56) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(57) **Chain Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

(58) **Chapman Lake (Spokane County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(59) **Chelan Hatchery Creek (Chelan County):** Closed waters.

(60) **Chelan Lake (Chelan County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(b) Salmon: Daily limit 1; minimum length 15 inches.

(c) No catch record card required.

(61) **Chelan Lake tributaries (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(62) **Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) July 1 through October 31: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) ~~(Salmon:~~

~~(i) Open July 1 through October 31.~~

~~(ii) Barbless hooks required.~~

~~(iii) Minimum length 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.~~

~~(iv) Release coho, sockeye, and wild adult Chinook.~~

~~(d))~~ From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

(63) **Chewuch River (Okanogan County):**

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(64) **Chiwaukum Creek (Chelan County):**

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: Selective gear rules.

(65) **Chiwawa River (Chelan County):**

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.

(66) **Chopaka Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(67) **Chumstick Creek (Chelan County):** Closed waters.



- (68) **Clear Lake (Chelan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (69) **Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.
- (70) **Cle Elum Lake (Reservoir) (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.
- (71) **Cle Elum River (Kittitas County):**  
 (a) From the mouth to Cle Elum Dam:  
 (i) Open year-round.  
 (ii) Selective gear rules.  
 (iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.  
 (iv) It is permissible to fish up to the base of Cle Elum Dam.  
 (v) Whitefish:  
 (A) Open December 1 through last day in February for whitefish only.  
 (B) Whitefish gear rules.  
 (b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.
- (72) **Cliff Lake (Grant County):** Open March 1 through September 30.
- (73) **Coffee Pot Lake (Lincoln County):**  
 (a) Open March 1 through September 30.  
 (b) Selective gear rules.  
 (c) Game fish: Statewide minimum length/daily limit, except:  
 (i) Trout: Daily limit 1; minimum length 18 inches.  
 (ii) Crappie: Daily limit 10; minimum length 9 inches.
- (74) **Columbia Basin Hatchery Creek (Grant County):**  
 (a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.  
 (b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (75) **Columbia Park Pond (Benton County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (76) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (77) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.
- (78) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (79) **Conner Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (80) **Cooper River (Kittitas County):** From the mouth to Cooper Lake: Selective gear rules.
- (81) **Coot Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (82) **Corral Creek (Benton County):** Selective gear rules.
- (83) **Cougar Lake (Pasayten Wilderness) (Okanogan County):** Selective gear rules.
- (84) **Cougar Lake (near Winthrop) (Okanogan County):**  
 (a) Selective gear rules.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (85) **Cowiche Creek (Yakima County):** Selective gear rules.
- (86) **Coyote Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.
- (87) **Crab Creek (Adams/Grant/Lincoln counties):**  
 (a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.  
 (b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.  
 (c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:  
 (i) Open year-round.  
 (ii) Game fish: Statewide minimum length/daily limit, except:  
 (A) Crappie: Minimum length 9 inches.  
 (B) Crappie and bluegill: Combined limit of 25 fish.  
 (C) Yellow perch: Daily limit 25 fish.  
 (d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:  
 (i) Open year-round.  
 (ii) Game fish: Statewide minimum length/daily limit, except:  
 (A) Crappie: Daily limit 10; minimum length 9 inches.  
 (B) Bluegill: Daily limit 5; minimum length 8 inches.  
 (C) Yellow perch: Daily limit 25.  
 (e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (88) **Crawfish Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (89) **Crescent Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (90) **Crystal Lake (Grant County):** Open March 1 through September 30.
- (91) **Cub Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to West Chewuch Road Bridge: Closed waters.
- (92) **Cup Lake (Grant County):** Open March 1 through September 30.
- (93) **Curl Lake (Columbia County):**  
 (a) Open the Saturday before Memorial Day through October 31.  
 (b) It is unlawful to fish from any floating device.

(94) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(95) **Davis Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(96) **Dayton Pond (Columbia County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(97) **Deadman Lake (Adams County):** Open the fourth Saturday in April through September 30.

(98) **Deep Creek (tributary to Bumping Lake) (Yakima County):** From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

(99) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.

(100) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(101) **Deer Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(102) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.

(103) **Deer Lake (Stevens County):**

(a) Open March 1 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(104) **Delaney Springs (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(105) **De Roux Creek (Kittitas County):** From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(106) **Dog Creek (tributary to Chewuch) (Okanogan County):** From mouth upstream to falls approximately 1.5 miles: Closed waters.

(107) **Domerie Creek (Kittitas County):** Selective gear rules.

(108) **Downs Lake (Lincoln/Spokane counties):**

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(109) **Dry Falls Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(110) **Dune Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(111) **Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(112) **Eagle Creek (tributary to Twisp River) (Okanogan County):** From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(113) **Early Winters Creek (tributary to Methow River) (Okanogan County):**

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(114) **Eightmile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(115) **Elbow Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(116) **Ell Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(117) **Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(118) **Empire Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(119) **Entiat River (Chelan County):**

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): ~~((Open July 16 through September 30 for hatchery Chinook only.~~

~~(i) Selective gear rules.~~

~~(ii) Night closure.~~

~~(iii) Minimum length 12 inches; daily limit 6.~~

~~(iv) Release coho and sockeye.~~

~~(v) Steelhead: Closed to fishing.~~

~~(vi))~~

~~(i) Open December 1 through the last day in February for whitefish only.~~

~~((vi)) (ii) Whitefish gear rules.~~

(b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:

(i) Whitefish:

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

(c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.

(120) **Ephrata Lake (Grant County):** Closed waters.

(121) **Esquatzel Coulee (Franklin County):** Open year-round.

(122) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.

(123) **Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately .15 miles: Closed waters.

(124) **Fan Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(125) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(126) **Fiorito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(127) **Fish Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.

(128) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(129) **Fish Lake (Spokane County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(130) **Fishhook Pond (Walla Walla County):** It is unlawful to fish from a floating device.

(131) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(132) **Forde Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(133) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(134) **Frank's Pond (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Open to juvenile anglers only.

(135) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(136) **Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(137) **Gadwall Lake (Grant County):** Open the fourth Saturday in April through September 30.

(138) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(139) **Goat Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(140) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

(141) **Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(142) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(143) **Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.

(144) **Grande Ronde River (Asotin County):**

(a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

(145) **Green Lakes (Lower and Upper) (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(146) **Grimes Lake (Douglas County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(147) **Halfmoon Lake (Adams County):** Open the fourth Saturday in April through September 30.

(148) **Hampton Lakes (Lower and Upper) (Grant County):** Open the fourth Saturday in April through September 30.

(149) **H and H Reservoir Number One (Pascal's Pond) (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(150) **Harris Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(151) **Hatch Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

(152) **Hays Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

(153) **Headgate Pond (Asotin County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(154) **Hen Lake (Grant County):** Open the fourth Saturday in April through September 30.

(155) **Hog Canyon Creek (Spokane County):** From the mouth to Scroggie Road: Closed waters.

(156) **Hog Canyon Lake (Spokane County):** Open the Friday after Thanksgiving through March 31.

(157) **Homestead Lake (Grant County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(158) **Hourglass Lake (Grant County):** Open the fourth Saturday in April through September 30.

(159) **Hutchinson Lake (Adams County):** Open the fourth Saturday in April through September 30.

(160) **I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(161) **Icicle River and tributaries (Creek) (Chelan County):**

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed ~~((to all species except:~~

~~(i) Open for hatchery Chinook salmon only.~~

~~(ii) Open May 15 to July 31.~~

~~(iii) Night closure.~~

~~(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(v) Daily limit 2 hatchery Chinook; minimum length 12 inches.~~

~~(vi) Mandatory retention of hatchery Chinook)) waters.~~

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): ~~((i) Closed to all species except:~~

~~(A) Open for hatchery Chinook only.~~

~~(B) Open May 15 to July 31.~~

~~(C) Night closure.~~

~~(D) Daily limit 2; minimum length 12 inches.~~

~~(ii) It is unlawful to retain more than 2 hatchery Chinook)) Closed waters.~~

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

(162) **Indian Creek (Yakima County):** From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

(163) **Ingalls Creek (Chelan County):** From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

(164) **Jameson Lake (Douglas County):** Open the fourth Saturday in April through October 31.

(165) **Jasmine Creek (Okanogan County):**

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

(166) **Jefferson Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(167) **Jolanda, Lake (Chelan County):** Closed waters.

(168) **Kachess Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(169) **Kachess River (Kittitas County):**

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

(170) **Keechelus Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(171) **Kettle Creek (tributary to American River) (Yakima County):** Closed waters.

(172) **Kettle River (Stevens County):** From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

- (d) Whitefish:  
 (i) Open December 1 through the last day in February for whitefish only.  
 (ii) Whitefish gear rules.
- (173) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.
- (174) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (175) **Lake Creek (Okanogan County):**  
 (a) From the mouth to Black Lake: Closed waters.  
 (b) From Black Lake to Three Prong Creek: Closed waters.
- (176) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (177) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (178) **Leech Lake (Yakima County):**  
 (a) Fly fishing only.  
 (b) It is unlawful to fish from a floating device equipped with a motor.  
 (c) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.
- (179) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (180) **Lenice Lake (Grant County):**  
 (a) Open March 1 through November 30.  
 (b) Selective gear rules.  
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (181) **Lenore Lake (Grant County):**  
 (a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.  
 (b) Open March 1 through November 30.  
 (c) Selective gear rules.  
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (182) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (183) **Liberty Lake (Spokane County):** Open March 1 through October 31.
- (184) **Lilly Lake (Chelan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (185) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (186) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**  
 (a) Open the Saturday before Memorial Day through August 15.  
 (b) Release all fish.  
 (c) Selective gear rules.
- (187) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Land-locked salmon rules.
- (188) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (189) **Little Naches River including tributaries (Yakima County):** Selective gear rules.
- (190) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.
- (191) **Little Spokane River and tributaries (Spokane County):**  
 (a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.  
 (b) From the SR 291 Bridge upstream:  
 (i) Open Saturday before Memorial Day through October 31.  
 (ii) Whitefish:  
 (A) Open December 1 through the last day in February for whitefish only.  
 (B) Whitefish gear rules.
- (192) **Little Twin Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Selective gear rules.  
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (d) Game fish: Statewide minimum length/daily limit, except:  
 (i) Trout: Daily limit 1; minimum length 18 inches.  
 (ii) Eastern brook trout count as part of trout daily limit.
- (193) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (194) **Little Wenatchee River (Chelan County):**  
 (a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.  
 (b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.
- (195) **Long Lake (Ferry County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Fly fishing only.  
 (c) It is unlawful to use flies containing lead.  
 (d) It is unlawful to fish from a floating device equipped with a motor.
- (196) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (197) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Land-locked salmon rules.
- (198) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (199) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.
- (200) **Lost Lake (Okanogan County):**  
 (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(201) Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

**(202) Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(203) Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

**(204) Manastash Creek (Kittitas County):** Selective gear rules.

**(205) Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

**(206) Martha Lake (Grant County):** Open March 1 through September 30.

**(207) Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(208) Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

**(209) McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.

**(210) McDowell Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

**(211) McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.

**(212) Medical Lake (Spokane County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

**(213) Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

**(214) Mercer Creek (Kittitas County):** Selective gear rules.

**(215) Merry Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(216) Methow River (Okanogan County):**

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules.

(iii) Release all fish.

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(e) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

(i) Open the Saturday before Memorial Day through August 15:

(A) Release all fish.

(B) Selective gear rules.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek.

(i) Selective gear rules.

(ii) Release all fish.

**(217) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

(218) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to the Wilderness Boundary: Closed waters.

(219) **Molson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(220) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules.

(221) **Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

(222) **Moses Lake (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

(223) **Mud Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(224) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(225) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(226) **Myron Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(227) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(228) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(229) **Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

(230) **Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(231) **Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

(232) **Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: Selective gear rules.

(233) **Nile Creek and tributaries (Yakima County):** Selective gear rules.

(234) **No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(235) **North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

(236) **North Elton Pond (Yakima County):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(237) **North Potholes Reserve Ponds (Grant County):** Open March 1 through the day before waterfowl season begins.

(238) **Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(239) **Oak Creek and tributaries (Yakima County):** Selective gear rules.

(240) **Okanogan River (Okanogan County):**

(a) ~~((Within the mainstem or tributaries open for game fish: It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.~~

~~(b))~~ From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((iv) Salmon:~~

~~(A) Open July 1 through October 15.~~

~~(B) It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.~~

~~(C) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(D) Release coho, sockeye, and wild adult Chinook.~~

(e)) (b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((iv) Salmon:~~

~~(A) Open July 1 through September 15.~~

~~(B) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(C) Release coho, sockeye, and wild adult Chinook.~~

(d)) (c) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule and night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((v) Salmon:~~

~~(A) Open July 1 through September 15.~~

~~(B) Limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(C) Release coho, sockeye, and wild adult Chinook.~~

(e)) (d) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(241) **Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

(242) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

(243) **Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(244) **Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

(245) **Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(246) **Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

(247) **Patterson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(248) **Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(249) **Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

(250) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

(251) **Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.

(252) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(253) **Phalon Lake (Stevens County):** Closed waters.

(254) **Phillips Lake (Stevens County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(255) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(256) **Pillar Lake (Grant County):** Open the fourth Saturday in April through September 30.

(257) **Ping Pond (Oasis Park Pond) (Grant County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(258) **Pit Lake (Douglas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(259) **Poacher Lake (Grant County):** Open the fourth Saturday before April through September 30.

(260) **Potholes Reservoir (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Minimum length 9 inches.

(b) Crappie and bluegill: Combined limit of 25 fish.

(c) Yellow perch: Daily limit 25 fish.

(261) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(262) **Powerline Lake (Franklin County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(263) **Quail Lake (Adams County):**

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Release all fish.



(264) **Quarry Pond (Walla Walla County):** It is unlawful to fish from any floating device.

(265) **Quincy Lake (Grant County):** Open March 1 through September 30.

(266) **Rainbow Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(267) **Rat Lake (Okanogan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(268) **Rattlesnake Creek and tributaries (Yakima County):**

(a) Selective gear rules.

(b) Release all fish.

(269) **Red Rock Creek (Grant County):** Open the Saturday before Memorial Day through September 30.

(270) **Reflection Pond (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(271) **Renner Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(272) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

(273) **Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

(274) **Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

(275) **Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

(276) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

(277) **Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

(278) **Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(279) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River down-

stream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

(280) **Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(281) **Royal Lake (Adams County):** Closed waters.

(282) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

(283) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Sturgeon: Closed to fishing.

(284) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(285) **Saddle Mountain Lake (Grant County):** Closed waters.

(286) **Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.

(287) **Salmon Creek (Okanogan County):**

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

**(288) San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

**(289) Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

**(290) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers,

and anglers with a disability who possess a designated harvester companion card only.

**(291) Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(292) Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(293) Shellneck Creek (Yakima County):** Closed waters.

**(294) Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

**(295) Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

**(296) Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

**(297) Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

**(298) Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

**(299) Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15:

(ii) ~~((Barbless hooks required for salmon and steelhead.~~

~~((iii)))~~ Anti-snagging rule.

~~((iv)))~~ (iii) Night closure.

~~((v)))~~ (iv) Game fish: Statewide minimum length/daily

limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((vi) Salmon:~~

~~(A) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(B) Release coho, sockeye, and wild adult Chinook.~~

~~((vii)))~~ (v) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

**(300) Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(301) **Skookum Lake, North (Pend Oreille County):**

Open the fourth Saturday in April through October 31.

(302) **Skookum Lake, South (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(303) **Snake River:**

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

(i) Trout: Open the Saturday before Memorial Day through October 31.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.

(B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

(304) **Snipe Lake (Grant County):** Open the fourth Saturday in April through September 30.

(305) **Snipes Creek (Benton County):** Selective gear rules.

(306) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

(307) **Spokane River (Spokane County):** From Nine Mile Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through March 15:

(c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

(308) **Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed waters:

(i) Cow Creek.

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.

(iii) The small bay at the southeast end of the lake.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

(309) **Spring Creek (Benton County):** Selective gear rules.

(310) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

(311) **Spring Lake (Columbia County):** It is unlawful to fish from any floating device.

(312) **Spring Lakes (Upper and Lower) (Grant County):** Open March 1 through September 30.

(313) **Springdale Pond (Lucky Duck Pond) (Stevens County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(314) **Spruce Creek (tributary to South Fork Tieton River) (Yakima County):** Closed waters.

(315) **Starvation Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(316) **Starzman Lakes (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(317) **Stehekin River (Chelan County):** From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

(318) **Stratford/Brook Lake (Grant County):** Open March 1 through September 30.

(319) **Sugarloaf Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(320) **Sullivan Creek and tributaries (Pend Oreille County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

(321) **Sullivan Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(322) **Summit Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(323) **Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(324) **Swan Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(325) **Swauk Creek and tributaries (Kittitas County):** Selective gear rules.

(326) **Taneum Creek and tributaries (Kittitas County):** Selective gear rules.

(327) **Teal Lakes (North and South) (Grant/Adams counties):** Open the fourth Saturday in April through September 30.

(328) **Teaway River (Kittitas County), and tributaries except North Fork:** Selective gear rules.

**(329) Teanaway River, North Fork (Kittitas County):**

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

**(330) Tern Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(331) Thirtymile Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to falls (approximately 700 feet): Closed waters.

**(332) Tieton River (Yakima County):**

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

**(333) Tieton River, North Fork (Yakima County):**

(a) The Clear Lake spillway channel: Closed waters.

(b) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(c) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

**(334) Tieton River, South Fork (Yakima County):**

From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

**(335) Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

**(336) Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

**(337) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

**(338) Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

**(339) Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

**(340) Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

**(341) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

**(342) Twisp River (Okanogan County):**

(a) Mouth to War Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

**(343) Twisp River, North Fork (Okanogan County):**

From mouth to falls including tributaries: Closed waters.

**(344) Umtanum Creek (Kittitas County):** Selective gear rules.

**(345) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

**(346) Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

**(347) Vic Meyers (Rainbow) Lake (Grant County):**

(a) Open the fourth Saturday in April through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(348) **Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

(349) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(350) **Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

(351) **Ward Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(352) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

(353) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

(354) **Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) An internal combustion motor may be attached to a floating device, but cannot be used.

(355) **Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(356) **Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(357) **Wenaha River tributaries:**

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(358) **Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

(359) **Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(360) **Wenatchee River (Chelan County):**

~~(a) From the mouth to the Icicle Road Bridge: ((a)) Closed waters, except:~~

~~(b) Salmon:~~

~~(i) Open August 1 through September 30.~~

~~(ii) Selective gear rules.~~

~~(iii) Night closure.~~

~~(iv) Daily limit 6; minimum length 12 inches it is unlawful to retain more than 2 adult hatchery Chinook.~~

~~(v) Release coho, sockeye, and wild adult Chinook salmon.~~

~~(e)) Closed waters.~~

~~(b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.~~

(361) **Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

(362) **White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

(363) **Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

(364) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(365) **Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

(366) **Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.

(367) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.

(368) **Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.

(369) **Yakima River (Yakima County):**

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From 200 feet above to 200 feet below the USBR Chandler Powerhouse/Pumping Station: Closed waters September 1 through October 31.

(ii) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(iii) Chumming is permissible.

~~(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.~~

~~(v) Salmon:~~

~~(A) Open September 1 through October 31.~~

~~(B) Night closure.~~

~~(C) Barbless hooks required.~~

~~(D) Limit 6; it is unlawful to retain more than 1 adult.~~

(c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) Chumming is permissible.

(iii) Fishing from a floating device is prohibited September 1 through October 31.

(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

- (v) Salmon:
  - (A) Open September 1 through October 31.
  - (B) Night closure.
  - (C) Barbless hooks required.
  - (D) Limit 6; it is unlawful to retain more than ((2)) 1 adult((s)).
    - (d) From Prosser Dam to Highway 223 Bridge:
      - (i) Open March 1 through October 31.
      - (ii) Game fish: Statewide minimum size/daily limit, except: Release trout.
    - (e) From Grant Avenue Bridge to Prosser Dam: Closed waters.
    - (f) From Highway 223 Bridge to 3,500 feet below Roza Dam:
      - (i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.
      - (ii) Selective gear rules.
      - (iii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
      - (iv) Whitefish:
        - (A) Open December 1 through the last day in February for whitefish only.
        - (B) Whitefish gear rules.
      - (g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.
      - (h) From Roza Dam to 400 feet below Easton Dam, including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.
        - (i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).
          - (ii) Selective gear rules.
          - (iii) Game fish: Statewide minimum length/daily limit, except: Release trout.
          - (iv) Whitefish:
            - (A) Open December 1 through the last day in February for whitefish only.
            - (B) Whitefish gear rules.
        - (i) From Easton Dam to the base of Keechelus Dam including Easton Lake:
          - (i) Selective gear rules.
          - (ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.
- (370) **Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (371) **Yocum Lake (Pend Oreille County):**
  - (a) Open the fourth Saturday in April through October 31.
  - (b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.
  - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

AMENDATORY SECTION (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

**WAC 220-312-060 Freshwater exceptions to state-wide rules—Columbia.** The following exceptions to state-wide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

**(1) General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(e) Open year-round unless otherwise provided.

(f) Barbless hooks are required for salmon and steelhead from Buoy 10 line upstream to the Washington/Oregon border.

(g) Year-round night closure for salmon and steelhead fishing from Buoy 10 to Highway 395 Bridge at Pasco.

**(2) Rules by river section:**

(a) **From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to ((the)) red navigation ((light)) marker 2 at Tongue Point on the Oregon bank:**

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout(~~(, except anglers may retain hatchery steelhead)~~).

(iii) Salmon and steelhead:

(A) ~~((Open))~~ June 16 through July 31: Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(B) Open from June 16 through June ~~((24))~~ 30: ~~((H))~~ Daily limit ~~((6; no more than 2 hatchery steelhead may be retained))~~ 2. ~~((H))~~ Release all salmon ~~((other than hatchery jack Chinook))~~.

(C) Open from ~~((June 22))~~ July 1 through July ~~((4))~~ 31: ~~((H))~~ Daily limit ~~((6; up to 2 adult salmon or 2 hatchery steelhead or one of each may be retained.~~

~~((H))~~ 1. Release all salmon ~~((other than hatchery Chinook.~~

~~((D))~~ From July 5 through July 31:

~~((I))~~ Daily limit 6; no more than 2 hatchery steelhead may be retained.

~~((H))~~ Release all salmon other than hatchery jack Chinook).

~~((E))~~ (D) Open August 1 through August ~~((24))~~ 20:

(I) Daily limit ~~((one))~~ 2; no more than 1 Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((F))~~ (E) Open August ~~((25))~~ 21 through ~~((September 30))~~ August 31:

(I) Daily limit 2~~((of which only one hatchery steelhead may be retained))~~.

(II) Release all salmon and steelhead other than hatchery coho.

(III) Coho minimum length 16 inches.

~~((G))~~ (F) Open ~~((October))~~ September 1 through ~~((December 31))~~ September 30:

(I) Daily limit ~~((6; no more than 2 adult hatchery salmon, or one hatchery adult salmon and one hatchery steelhead, may be retained))~~ 1.

(II) Release all salmon except hatchery coho.

(III) Coho minimum length 16 inches.

(G) Open October 1 through December 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead, may be retained.

(II) Release all salmon except hatchery coho.

(H) Open January 1 through March 31:

(I) Daily limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iv) Shad open May 16 through March 31.

(v) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

**(b) From a line ~~((projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point))~~ at Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon bank upstream to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and**

**terminating at red navigation marker 44A on the Oregon bank:**

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open August 1 through August 20:

(I) Daily limit 1.

(II) Release all salmon and steelhead other than Chinook and hatchery coho.

(B) Open August 21 through August 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon.

(II) Release all salmon and steelhead other than hatchery coho.

(C) Open September 1 through December 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery coho.

(iii) Shad: Open May 16 through March 31.

**(c) From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank, upstream to the I-5 Bridge:**

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Shad open May 16 through March 31.

(iii) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the ~~((orange))~~ marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore.

(iv) Downstream of Warrior Rock line:

(A) Salmon and steelhead:

(I) Open May 16 through June ~~((24))~~ 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(II) ~~((Open June 22 through July 4: Daily limit 6; no more than 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.~~

~~((H))~~ Open July 5 through July 31: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.) Open June 16 through June 30: Daily limit 2. Release all salmon.

(III) Open July 1 through July 31: Daily limit 1. Release all salmon.

(IV) Open August 1 through ~~((September 2))~~ August 27: Daily limit 6; no more than ~~((one))~~ 1 adult salmon~~((or one hatchery steelhead,))~~ may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

(V) Open (~~(September 3)~~) August 28 through (~~(December 31)~~) August 31: Daily limit 6; no more than 2 (~~(hatchery)~~) adult hatchery salmon(~~(; or one adult salmon and one hatchery steelhead;))~~ may be retained. Release all salmon and steelhead except (~~(Chinook and))~~ hatchery coho.

(VI) Open September 1 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

(VII) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(v) Upstream of Warrior Rock line:

(A) Salmon and steelhead:

~~((A))~~ (I) Open May 16 through June (~~(21)~~) 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

~~((B))~~ (II) Open June 16 through (~~(July 31)~~) June 30: Daily limit (~~(6; no more than 2 hatchery steelhead may be retained)~~) 2. Release all salmon.

~~((C))~~ (III) Open (~~(June 22)~~) July 1 through July (~~(4)~~) 31: Daily limit (~~(6; no more than 2 hatchery adult salmon or one hatchery adult salmon and one hatchery steelhead may be retained)~~) 1. Release all salmon (~~(except hatchery Chinook)~~).

~~((D))~~ (IV) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

~~((E))~~ (V) Open August 1 through (~~(September 14)~~) August 31: Daily limit 6; no more than (~~(one)~~) 1 adult salmon (~~(or one hatchery steelhead)~~) may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

~~((F))~~ (VI) Open September (~~(15)~~) 1 through (~~(December 31)~~) September 8: Daily limit 6; no more than (~~(2 hatchery)~~) 1 adult salmon(~~(; or one hatchery adult salmon and one)~~) or 1 hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho.

~~((G))~~ (VII) Open September 9 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon, and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

**(d) From the I-5 Bridge to Bonneville Dam:**

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(II) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout.

(iv) Salmon and steelhead:

(A) Open (~~(June)~~) May 16 through June (~~(21)~~) 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(B) Open June (~~(22)~~) 16 through (~~(July 4)~~) June 30: Daily limit (~~(6; up to 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained)~~) 2. Release all salmon (~~(except hatchery Chinook)~~).

(C) Open July (~~(5)~~) 1 through July 31: Daily limit (~~(6; no more than 2 hatchery steelhead may be retained)~~) 1. Release all salmon (~~(except hatchery jack Chinook)~~).

(D) Open August 1 through (~~(September 14)~~) August 31: Limit 6; no more than (~~(one)~~) 1 adult salmon (~~(or one hatchery steelhead)~~) may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

(E) Open September (~~(15)~~) 1 through (~~(December 31)~~) September 8: Daily limit 6; no more than (~~(2 hatchery)~~) 1 adult salmon(~~(; or one hatchery adult salmon and one)~~) or 1 hatchery steelhead(~~(;)~~) may be retained. Release all salmon except Chinook and hatchery coho.

(F) Open September 9 through December 31: Daily limit 6; no more than 2 hatchery adult salmon, or 1 hatchery adult salmon and 1 hatchery steelhead, may be retained. Release all salmon except hatchery coho.

(G) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) Shad: Open May 16 through March 31.

~~((H))~~ (e) **From Bonneville Dam to The Dalles Dam:**

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout(~~(; except anglers may retain hatchery steelhead)~~).



(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15: ~~((H))~~ Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam). ~~((H))~~ Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((6; no more than 2 hatchery adult salmon or 2 hatchery steelhead or one of each, may be retained))~~ 2.

(II) Release all salmon ~~((except hatchery Chinook)).~~

~~((C))~~ (D) Open July 1 through July 31: Daily limit 1. Release all salmon.

(E) Open August 1 through ~~((December))~~ August 31:

(I) ~~((August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~((H))~~ Daily limit 6; no more than ~~((2))~~ 1 adult salmon ~~((or one adult salmon and one hatchery steelhead))~~ may be retained. ~~((No more than one salmon may be an adult Chinook.~~

~~((H))~~ (II) Release all salmon and steelhead except Chinook and coho.

~~((FV))~~ (F) Open September 1 through December 31:

(I) Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(III) Release wild coho from Bonneville Dam to Hood River Bridge.

~~((iv))~~ ~~Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.~~

~~((e))~~ (f) **From The Dalles Dam to ~~((McNary))~~ John Day Dam:**

(i) ~~((Closed waters:~~

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

~~((B))~~ At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(ii) Release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through June 30: Daily limit 2. Release all salmon.

(C) Open July 1 through July 31: Daily limit 1. Release all salmon.

(D) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(E) Open August 1 through August 31:

(I) Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(F) Open September 1 through September 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(G) Open October 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except for Chinook and coho.

(g) **From John Day Dam to McNary Dam:**

(i) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing-wall of the boat lock near the Washington shore: Closed waters.

(ii) Game fish: Statewide minimum size/daily limit; except release all trout ~~((except hatchery steelhead)).~~

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through ~~((July 31))~~ June 30: ~~((H))~~ Daily limit ~~((6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one of each may be retained.~~

~~((H))~~ 2. Release all salmon except hatchery Chinook.

(C) Open July 1 through July 31: Daily limit 1. Release all salmon.

(D) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(E) Open August 1 through ~~((December))~~ August 31: ~~((H))~~ August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~((H))~~ Daily limit 6; no more than ~~((2))~~ 1 adult~~((s)),~~ of which no more than ~~((2 may be))~~ 1 adult salmon or ~~((one adult salmon and one))~~ 1 hatchery steelhead may be retained. ~~((No more than one salmon may be an adult Chinook.~~

~~((H))~~ Release all salmon except Chinook and coho.

~~((iv))~~ ~~Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.~~

~~((F))~~ (F) Open September 1 through October 31: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(G) Open November 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(h) **From McNary Dam to Highway 395 Bridge at Pasco:**

(i) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(ii) Other game fish: Statewide minimum size/daily limit except release all trout ((except hatchery steelhead)).

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(III) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(B) Open June 16 through July 31: ~~((H))~~ Daily limit ~~((6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one of each may be retained.~~

~~(H))~~ 2. Release all salmon except hatchery Chinook.

(C) Open ~~((August))~~ July 1 through ~~((December 31))~~ June 30: ~~((H))~~ Daily limit ~~((6; no more than 2 adult salmon or one adult salmon and one hatchery steelhead may be retained. No more than one salmon may be an adult Chinook.~~

~~(H))~~ 1. Release all salmon ~~((except Chinook and coho.~~

~~(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.~~

~~(g))~~.

(D) Open August 1 through September 30: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(E) Open October 1 through November 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(F) Open December 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

**(i) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:**

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Year-round night closure for salmon and steelhead fishing.

(iv) Other gamefish: Statewide minimum size/daily limit except: Trout: Open year-round catch and release only.

~~((iv))~~ (v) Steelhead:

(A) Open October 1 through October 31: Daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) Open November 1 through March 31: Daily limit 2 hatchery steelhead.

~~((v))~~ (vi) Salmon: ~~((A) Open June 16 through August 15:~~

~~(I) Limit 4; no more than one adult hatchery Chinook salmon.~~

~~(H) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 31: Limit 6; no more than 2 adult salmon may be retained. Release all salmon except Chinook and coho.

~~((H))~~ (j) **From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. ~~((30))~~ 24, T13N, ~~((R28E))~~ R27E:**

(i) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River, September 1 through November 30: Closed waters.

(C) Year-round night closure for salmon and steelhead fishing.

(ii) Trout and steelhead: Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Open April 1 through April 15:

(I) Release all trout.

(II) Daily limit 2 hatchery steelhead.

(C) From April 16 through March 31 adjacent Columbia River rules apply.

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Open year-round catch and release only.

(v) Steelhead:

(A) Open October 1 through October 31 daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) Open November 1 through March 31 daily limit 2 hatchery steelhead.

~~((A) Open June 16 through August 15:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook.~~

~~(H) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 31: Daily limit 6; no more than 2 adult salmon may be retained.

~~((H))~~ (k) **From the Old Hanford townsite wooden power line towers, in Sec. ~~((30))~~ 24, T13N, ~~((R28E))~~ R27E, to Vernita Bridge, (Highway 24):**

(i) Open February 1 through October 15.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

(v) Salmon: ~~((A) Open June 16 through August 15:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook.~~

~~(H) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.

**~~((j))~~ (l) From Vernita Bridge (Highway 24) to Priest Rapids Dam:**

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek (waters of the Priest Rapids Hatchery system); extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

~~((A)) Open June 16 through August 15:~~~~((F)) Limit 6; no more than 2 adult hatchery Chinook.~~~~((H)) Release sockeye and wild adult Chinook.~~~~((B))~~ Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.**~~((k))~~ (m) From Priest Rapids Dam to Rock Island Dam:**

(i) Closed waters:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

(ii) ~~((July))~~ September 1 through ~~((August 31))~~ October 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Steelhead: Closed to fishing.

~~((A)) Open July 1 through August 31:~~~~((F)) Minimum length 12 inches; daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~~~((H)) Release coho, sockeye, and wild adult Chinook.~~~~((B))~~ Open September 1 through October 15: Open for Chinook only; daily limit 6, no more than 2 adults may be retained.**~~((h))~~ (n) From Rock Island Dam to Wells Dam:**

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(ii) ~~((July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~~~((iii))~~ Release all trout.~~((iv))~~ (iii) Steelhead: Closed to fishing.~~((v)) Salmon open July 1 through October 15:~~~~((A)) Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.~~~~((B)) Release coho, sockeye, and wild adult Chinook.~~**~~((m))~~ (o) From Wells Dam to Highway 173 Bridge at Brewster:**(i) July 16 through August ~~((31))~~ 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Steelhead: Closed to fishing.

~~((iv)) Salmon open July 16 through August 31:~~~~((A)) Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.~~~~((B)) Release coho, sockeye, and wild adult Chinook.~~**~~((n))~~ (p) From Highway 173 Bridge at Brewster to Chief Joseph Dam:**

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August ~~((31))~~ 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing.

~~((vi)) Salmon: Open July 1 through October 15:~~~~((A)) Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.~~~~((B)) Release coho, sockeye, and wild adult Chinook.~~~~((e))~~ (q) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.~~((p))~~ (r) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.**AMENDATORY SECTION** (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)**WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits.** (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.**(2) Catch Record Card Area 5:**

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

~~((iii)) 2 Additional sockeye salmon may be retained as part of the daily limit.~~

- (c) August 16 through September 30~~((:))~~:
- (i) Daily limit of 2 salmon.
- (ii) Release chum, Chinook and wild coho.
- ~~((iii) 2 Additional sockeye salmon may be retained as part of the daily limit.)~~
- (d) October 1 through February ~~((15))~~ 29: Closed.
- (e) ~~((February 16))~~ March 1 through April 30:
- (i) Daily limit of 2 salmon.
- (ii) Release wild coho and wild Chinook.
- (3) Catch Record Card Area 6:**
- (a) May 1 through June 30: Closed.
- (b) July ~~((3))~~ 1 through August 15:
- (i) Daily limit of 2 salmon.
- (ii) Release chum, wild Chinook and wild coho.
- (iii) ~~((2 Additional sockeye salmon may be retained as part of the daily limit.~~
- ~~((iv)))~~ Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.
- (c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 15.
- (d) August 16 through September 30:
- (i) Daily limit of 2 salmon.
- (ii) Release chum, Chinook and wild coho.
- ~~((iii) 2 Additional sockeye salmon may be retained as part of the daily limit.)~~
- (e) October 1 through ~~((January 31))~~ February 29: Closed except in Dungeness Bay as described in this section.
- (f) ~~((February))~~ March 1 through April 15:
- (i) Daily limit of ~~((+))~~ 2 salmon.
- (ii) Release wild coho and wild Chinook.
- (g) April 16 through April 30: Closed.
- (h) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except: October 1 through October 31: Daily limit of 2 hatchery coho only.
- (4) Catch Record Card Area 7:**
- (a) May 1 through June 30: Closed.
- (b) July 1 through July 31:
- (i) Daily limit of 2 salmon.
- (ii) Release chum and wild Chinook.
- (iii) ~~((2 Additional sockeye salmon may be retained as part of the daily limit.~~
- ~~((iv)))~~ Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).
- (c) August 1 through ~~((September 3:))~~
- ~~((i))~~ Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- ~~((ii))~~ Release chum.
- ~~((iii))~~ 2 Additional sockeye salmon may be retained as part of the daily limit.
- ~~((iv))~~ Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7)) August 31: Closed.
- (d) September ~~((4))~~ 1 through September 30:
- (i) Daily limit of 2 salmon.
- (ii) Release chum and Chinook.
- ~~((iii))~~ (e) October 1 through ~~((December))~~ January 31: Closed.

- ~~((e))~~ (f) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).
- ~~((f) January))~~ (g) February 1 through April 15:
- (i) Daily limit of 1 salmon.
- (ii) Release coho and wild Chinook.
- ~~((g))~~ (h) Waters of Bellingham Bay described in WAC 220-313-020(1):
- (i) ~~((Closed))~~ March 1 through April 30 and July 1 through August 15: Closed.
- (ii) August 16 through September 30: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.
- (iii) October 1 through ~~((February 28))~~ January 31 and June 1 through June 30: Same rules as Area 7.
- ~~((h) Waters east of a line from Gooseberry Point to Sandy Point: Closed September 8 through September 30.))~~
- (5) Catch Record Card Area 8-1:**
- (a) May 1 through July 31: Closed.
- (b) August 1 ~~((though September 30))~~ through October 31:
- (i) Daily limit 2 salmon.
- (ii) Release Chinook.
- (c) ~~((October 1 through November 30))~~ November 1 through January 31: Closed.
- (d) ~~((December))~~ February 1 through April 30:
- (i) Daily limit of ~~((2))~~ 1 salmon.
- (ii) Release coho and wild Chinook.
- (6) Catch Record Card Area 8-2:**
- (a) May 1 through ~~((July 31))~~ August 15 are closed, except waters described in this subsection.
- (i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, June 1 through September ~~((3))~~ 2: Daily limit of 2 salmon.
- (ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Saturday through Sunday of each week, September ~~((8))~~ 7 through September ~~((30))~~ 29: Daily limit of 2 salmon.
- (b) August ~~((+))~~ 16 through September ~~((23))~~ 15:
- (i) Waters south and west of a line from Mukilteo ferry docks to the Clinton ferry docks:
- (A) Daily limit of 2 salmon.
- ~~((+))~~ (B) Release Chinook and wild coho.
- (ii) Waters north and east of a line from the Mukilteo ferry docks to the Clinton ferry docks: Closed.
- (c) September ~~((24))~~ 16 through ~~((November 30))~~ January 31: Closed.
- (d) ~~((December))~~ February 1 through April 30:
- (i) Daily limit of ~~((2))~~ 1 salmon.
- (ii) Release coho and wild Chinook.
- (7) Catch Record Card Area 9:**
- (a) May 1 through July ~~((15))~~ 24: Closed.
- (b) July ~~((16))~~ 25 through ~~((August 15, except waters in this subsection))~~ July 28:
- (i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (ii) Release chum, wild coho and wild Chinook.

(iii) ~~((Closed))~~ Waters south of a line from Foulweather Bluff to Olele Point ((July 16 through August 15)): Closed.

(c) July 29 through August 15:

~~((A))~~ (i) Daily limit of 2 salmon.

~~((B))~~ (ii) Release Chinook, chum and wild coho.

~~((C))~~ (d) August 16 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release Chinook, chum and wild coho.

~~((D))~~ (e) October 1 through ((December)) January 31:

Closed.

~~((E) January)~~ (f) February 1 through April 15:

(i) Daily limit of 1 salmon.

(ii) Release wild coho and wild Chinook.

~~((F))~~ (g) April 16 through April 30: Closed.

~~((G))~~ (h) Edmonds Fishing Pier:

(i) Open year-round.

(ii) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(iii) ~~((Release chum from))~~ August 1 through September 30: Release chum.

(8) **Catch Record Card Area 10:**

(a) May 1 through May 31: Closed.

(b) June 1 through July ~~((+5))~~ 24:

(i) Daily limit of 2 salmon.

(ii) Release Chinook and chum.

(c) July ~~((+6))~~ 25 through August 31:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release chum and wild Chinook.

(d) September 1 through November 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) ~~((Release chum))~~ September 1 through September 15: Release chum.

(e) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August ~~((+5))~~ 31.

(f) Waters of Elliott Bay east of a line from West Point to Alki Point ~~((: Closed July 1 through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 15 through August 31 from Friday through Sunday of each week only:))~~ up to the mouth of the Duwamish River as defined: Open August 2 through 12:00 p.m. August 5:

(i) Daily limit of 2.

(ii) Release ~~((Chinook,))~~ chum ~~((and wild coho)).~~

(g) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:

(i) July 1 through September 30~~((:))~~:

(ii) Daily limit of 3 salmon.

(iii) Release wild Chinook ~~((and wild coho)).~~

(iv) ~~((Release chum from))~~ August 1 through September 15: Release chum.

(h) November 16 through December 31: Closed.

(i) January 1 through March 31:

(ii) Daily limit of ~~((2))~~ 1 salmon.

(iii) Release wild Chinook.

(i) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

(j) April 1 through April 30: Closed.

(k) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) ~~((Release chum from))~~ August 1 through September 15: Release chum.

(l) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(m) Free-flowing freshwaters are closed downstream of the mouth at Gorst Creek, from July 1 through September 30.

(9) **Catch Record Card Area 11:**

(a) May 1 through ~~((May 31))~~ June 30: Closed.

(b) ~~((June))~~ July 1 through September 30:

(i) Daily limit of 2 salmon of which one may be a hatchery Chinook.

(ii) Release wild Chinook.

(iii) Fishing for salmon from a vessel prohibited Thursdays and Fridays.

(c) October 1 through December 31: Closed.

(d) January 1 through April 30:

(i) Daily limit 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed June 1 through July 31 and April 1 through April 30.

~~((D))~~ (e) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock, open year-round: Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(10) **Catch Record Card Area 12:**

(a) May 1 through June 30: Closed.

(b) July 1 through September 30, in waters south of Ayock Point except waters listed in this subsection:

(i) Daily limit of 4 salmon.

(ii) Release chum and wild Chinook.

(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release chum and wild Chinook.

(C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(D) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the

ADA-access site at the Hoodspout Salmon Hatchery, as long as persons follow all applicable department rules.

(c) (~~September~~) August 1 through September 30, in waters north of Ayock Point:

(i) Daily limit of 4 salmon.

(ii) Release chum and Chinook.

(iii) August 1 through August 15: Hooks measuring 1/2 inch or less from point to shank.

(iv) September 16 through September 30: Waters north of a line true east from Broad Spit: Closed ((September 16 through September 30)).

(d) (~~From August 1 through August 31: North of a true east line from the mouth of Turner Creek to the Toandos Peninsula and south of a line true east of Broad Spit:~~

(i) ~~Daily limit 4.~~

(ii) ~~Coho only.~~

(e)) October 1 through December 31:

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except waters listed in this subsection:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook. (~~Release chum~~)

(C) October 1 through October 15: Release chum.

(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspout Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release wild Chinook. (~~Release chum~~)

(C) October 1 through October 15: Release chum.

(~~(C))~~ (D) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(~~(D))~~ (E) It is unlawful to fish from any Hoodspout Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspout Salmon Hatchery, as long as persons follow all applicable department rules.

(~~(F))~~ (e) January 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(~~(G))~~ (f) July 1 through September 30: Free-flowing freshwater is closed downstream of the mouth of the Dewatto, Dosewallips, Duckabush, and Hamma Hamma( ~~and Skokomish~~) rivers.

(11) **Catch Record Card Area 13:**

(a) May 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

(iii) July 1 through September 30: Chinook minimum length 20 inches.

(b) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September (~~(30))~~ 15.

(c) Waters of Budd Inlet south of the Fourth Avenue Bridge (~~(are))~~: Closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway

Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

(d) Fox Island Public Fishing Pier, open year-round: Daily limit 2 salmon; no more than one may be a Chinook salmon.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

**AMENDATORY SECTION** (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

**WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits.** (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(2) **Catch Record Card Area 1:**

(a) May 1 through June (~~(23))~~ 21: Closed.

(b) June (~~(24))~~ 22 through September (~~(4))~~ 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(c) (~~(September 5))~~ October 1 through April 30: Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(3) **Catch Record Card Area 2:**

(a) May 1 through June (~~(30))~~ 21: Closed.

(b) (~~(July 1))~~ June 22 through September (~~(4))~~ 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(iii) Beginning August (~~(14))~~ 12, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) (~~(September 5))~~ October 1 through April 30 - Closed.

(4) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June (~~(30))~~ 21: Closed.

(b) (~~(July 1))~~ June 22 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon; no more than ~~((3))~~ 2 may be adult salmon ~~((of which only one may be a coho)).~~

(ii) Release wild Chinook.

(iii) Beginning August 1, the Willapa Bay Control Zone is ~~((closed))~~ open. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west from a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

**(5) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) Humpulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff.

(b) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

(c) May 1 through July 31: Closed.

(d) August 1 through September 15:

(i) Daily limit of ~~((2))~~ 1 salmon.

(ii) Release wild Chinook and wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(e) ~~((October 4))~~ September 16 through November 30:

(i) Daily limit of ~~((4))~~ 2 salmon.

(ii) Release Chinook.

(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

(f) December 1 through April 30: Closed.

(g) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

**(6) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):**

(a) May 1 through June 30: Closed.

(b) July 1 through August 13: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 14 through April 30: Closed.

**(7) Catch Record Card Area 3:**

(a) May 1 through June ~~((23))~~ 21: Closed.

(b) June ~~((24))~~ 22 through ~~((September 4))~~ October 13:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(c) ~~((September 5))~~ October 14 through April 30: Closed.

**(8) Catch Record Card Area 4:**

(a) May 1 through June ~~((23))~~ 21: Closed.

(b) June ~~((24))~~ 22 through September ~~((4))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) Waters east of a true north-south line through Sail Rock are closed through July 31.

(iv) Waters east of the Bonilla-Tatoosh line closed to Chinook retention beginning August 1.

(v) Release chum salmon beginning August 1.

(c) ~~((September 5))~~ October 1 through April 30: Closed.

(9) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

## WSR 19-11-137

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 22, 2019, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-05-084.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-106-0300 What services may I receive under community options program entry systems (COPES) when I live in my own home? and 388-106-0305 What services may I receive under COPES if I live in a residential facility?

Hearing Location(s): On June 25, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than June 26, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU

RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., June 25, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 11, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Centers for Medicare and Medicaid Services (CMS) approved the addition of two additional services in COPES, a 1915 (c) waiver, in August 2018. The department is planning to add these services to COPES WAC: (1) Community choice guiding (CCG), to assist an individual establish or stabilize a community living arrangement; and (2) Community supports: Goods and services which will provide necessary goods and services for individuals who choose to move from a residential living arrangement to an in-home setting. Also, the home health aide benefit was removed from the COPES waiver and needs to be removed from WAC.

Currently, state-funded Washington roads provide CCG and stabilizing goods and services to individuals already residing in the community who are at risk of losing their current setting of care. By adding these services to the COPES waiver, the state can receive federal match while providing stabilizing services to individuals in the community to prevent unnecessary institutionalizations.

Reasons Supporting Proposal: See purpose statement above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debbie Blackner, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-3231.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(vii), rules of DSHS relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5)(b)(vii).

May 20, 2019

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-11-049, filed 5/15/15, effective 7/1/15)

**WAC 388-106-0300 What services may I receive under community options program entry system (COPES) when I live in my own home?** When you live in your own home, you may be eligible to receive ~~((only))~~ the following services under COPES:

(1) Adult day care if you meet the eligibility requirements under WAC 388-106-0805((-);

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare, and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage((-);

(3) Home delivered meals~~((, providing nutritional))~~ which provide one nutritionally balanced ((meals, limited to one)) meal per day((-) if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver((-);

(4) ~~((Home health aide service tasks))~~ Community choice guiding are services to help you establish or stabilize your living arrangement in your own home((-) if ~~((the service tasks))~~:

(a) ~~((Include assistance with ambulation, exercise, self-administered medications and hands-on personal care))~~ You have frequent institutional contacts;

(b) ~~((Are beyond the amount, duration or scope of medicaid reimbursed home health services as described in WAC 182-551-2120 and are in addition to those available services))~~ You have frequent turn-over of caregivers; or

(c) You are ((health related. Note: Incidental services such as meal preparation may be performed in conjunction with a health related task as long as it is not the sole purpose of the aide's visit)) in imminent jeopardy of eviction or loss of your current community setting; ((and

~~((d) Do not replace medicaid home health services.))~~

(5) Skilled nursing, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100((-);

(6) Specialized ~~((durable and nondurable))~~ medical equipment and supplies under WAC 182-543-1000, if the items ~~((are))~~:

(a) ~~((Medically necessary under WAC 182-500-0700;~~

~~((b)))~~ Are necessary for:

(i) Life support;

(ii) To increase your ability to perform activities of daily living; or

(iii) To perceive, control, or communicate with the environment in which you live; or

~~((e))~~ (b) Are directly ((medically or)) remedially beneficial to you; and

~~((d) In addition to and))~~ (c) Do not replace any medical equipment ((and/or)) or supplies otherwise provided under either medicaid ((and/or)) or medicare((-);



(7) Training needs identified in the CARE ((or in a professional evaluation;)) assessment which meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
  - (b) Managing personal care needs; or
  - (c) Developing necessary skills to deal with care providers(-);
- (8) Transportation services, when the service:
- (a) Provides access to community services and resources to meet ~~((your))~~ a therapeutic goal;
  - (b) Is not diverting in nature; and
  - (c) ~~((Is in addition to and))~~ Does not replace the medic-aid-brokered transportation or transportation services available in the community(-);

(9) Nursing services from a registered nurse based on your individual need as determined by your CARE assessment, when you are not already receiving this type of service from another resource~~((A registered nurse may visit you and perform)), which may include~~ any of the following activities~~((The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.))~~:

- (a) Nursing assessment/reassessment;
- (b) Instruction to you and your providers;
- (c) Care coordination and referral to other health care providers;
- (d) Skilled treatment, ~~((only))~~ in the event of an emergency~~((A skilled treatment is care that would require)), which requires~~ authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement~~((In nonemergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.))~~:
- (e) File review; ~~((and/or))~~ or
- (f) Evaluation of health-related care needs affecting service plan and delivery(-);

(10) Adult day health services as described in WAC 388-71-0706 when you are:

(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714 and:

- (i) There is a reasonable expectation that these services will improve, restore, or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;
- (ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and
- (iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment(-);

(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met(-); however

(c) You are not eligible for adult day health if you:

- (i) Can independently perform or obtain the services provided at an adult day health center; or

(ii) Have referred care needs that:

- (A) Exceed the scope of authorized services that the adult day health center is able to provide;
- (B) Do not need to be provided or supervised by a licensed nurse or therapist;
- (C) Can be met in a less structured care setting;
- (D) In the case of skilled care needs, are being met by paid or unpaid caregivers;
- (E) Live in a nursing home or other institutional facility; or
- (F) Are not capable of participating safely in a group care setting(-);

(11) Wellness education, as identified in your person centered service plan to address an assessed need or condition; and

(12) Community support: Goods and services are nonrecurring set-up items and services to assist with expenses if you choose to move from a residential setting to an in-home setting and may include:

- (a) Security deposits that are required to lease an apartment or home;
- (b) Activities to assess need, arrange for, and obtain needed resources, including essential household furnishings;
- (c) Set-up fees or deposits for utility or services access, including telephone, electricity, heating, water, and garbage;
- (d) Services necessary for your health and safety such as pest eradication, and one-time cleaning prior to occupancy;
- (e) Moving expenses; and
- (f) Necessary home accessibility adaptations.

AMENDATORY SECTION (Amending WSR 15-11-049, filed 5/15/15, effective 7/1/15)

**WAC 388-106-0305 What services may I receive under COPEs if I live in a residential facility?** If you live in one of the following residential facilities: A licensed assisted living facility contracted with the department to provide assisted living, enhanced adult residential care, enhanced adult residential care-specialized dementia care, or an adult family home, you may be eligible to receive only the following services under COPEs:

(1) Specialized ~~((durable and nondurable))~~ medical equipment and supplies under WAC 182-543-1000, when the items ~~((are))~~:

(a) ~~((Medically necessary under WAC 182-500-0005; and~~

~~((b)))~~ Are necessary for: ~~((For))~~

- (i) Life support;
- (ii) To increase your ability to perform activities of daily living; or
- (iii) To perceive, control, or communicate with the environment in which you live; ~~((and))~~ or

~~((e))~~ (b) Are directly ~~((medically or))~~ remedially beneficial to you; ~~((and))~~

~~((d))~~ In addition to and (c) Do not replace any medical equipment ~~((and/or))~~ or supplies otherwise provided under either medicaid ~~((and/or))~~ or medicare; and

~~((e))~~ In addition to and (d) Do not replace the services required by the department's contract with a residential facility(-);

(2) Training needs identified in the CARE ((~~or in a professional evaluation~~)) assessment that are in addition to and do not replace the services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;  
 (b) Managing personal care needs; or  
 (c) Developing necessary skills to deal with care providers((-));

(3) Transportation services, when the service:

(a) Provides access to community services and resources to meet a therapeutic goal;

(b) Is not diverting in nature;

(c) ~~((Is in addition to and))~~ Does not replace the medic-aid-brokered transportation or transportation services available in the community; and

(d) Does not replace the services required by DSHS contract in residential facilities((-));

(4) Skilled nursing, when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;

(b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100; and

(c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310)(-);

(5) Nursing services from a registered nurse based on your individual need as determined by your CARE assessment, when you are not already receiving this type of service from another resource~~((A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.))~~, which may include any of the following activities:

(a) Nursing assessment/reassessment;

(b) Instruction to you and your providers;

(c) Care coordination and referral to other health care providers;

(d) Skilled treatment~~((-only))~~ in the event of an emergency~~((A skilled treatment is care that would require))~~, which requires authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement~~((In nonemergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.))~~;

(e) File review; ~~((and/or))~~ or

(f) Evaluation of health-related care needs affecting service plan and delivery.

(6) Adult day health services as described in WAC 388-71-0706 when you are:

(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714, and:

(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the

case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;

(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and

(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment((-);

(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met((-); however

(c) You are not eligible for adult day health if you:

(i) Can independently perform or obtain the services provided at an adult day health center;

(ii) Have referred care needs that:

(A) Exceed the scope of authorized services that the adult day health center is able to provide;

(B) Do not need to be provided or supervised by a licensed nurse or therapist;

(C) Can be met in a less structured care setting;

(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;

(E) Live in a nursing home or other institutional facility; or

(F) Are not capable of participating safely in a group care setting((-);

(7) Wellness education, as identified in your person centered service plan to address an assessed need or condition;

(8) Community choice guiding are services to help you establish or stabilize your living arrangement in your own home or a residential setting if:

(a) You have frequent institutional contacts;

(b) You have frequent turn-over of caregivers; or

(c) You are in imminent jeopardy of eviction or loss of your current community setting; and

(9) Community support: Goods and services are nonrecurring set-up items and services to assist with expenses if you choose to move from a residential setting to an in-home setting and may include:

(a) Security deposits that are required to lease an apartment or home;

(b) Activities to assess need, arrange for, and obtain needed resources, including essential household furnishings;

(c) Set-up fees or deposits for utility or services access, including telephone, electricity, heating, water, and garbage;

(d) Services necessary for your health and safety such as pest eradication, and one-time cleaning prior to occupancy;

(e) Moving expenses; and

(f) Necessary home accessibility adaptations.