

**WSR 19-16-006**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed July 25, 2019, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-115.

Title of Rule and Other Identifying Information: WAC 363-116-301 New revenue collection.

Hearing Location(s): On September 19, 2019, at 10:00 a.m., at 2901 Third [3rd] Avenue, 1st Floor, Agate Conference Room, Seattle, WA 98121.

Date of Intended Adoption: September 19, 2019.

Submit Written Comments to: Sheri J. Tonn, Chair, 2901 Third [3rd] Avenue, Suite 500, email BeverJ@wsdot.wa.gov, fax 206-515-3906, by September 16, 2019.

Assistance for Persons with Disabilities: Contact Jolene Hamel, phone 206-515-3904, fax 206-515-3906, email HamelJ@wsdot.wa.gov, by September 16, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this filing is to comply with legislative intent, through the passage of ESHB 1160, which stipulates certain conditions in order for the board of pilotage commissioners (BPC) to receive state appropriation from the pilotage account solely for self-insurance liability premium expenditures. This revised rule defines these two stipulated conditions.

Reasons Supporting Proposal: Revising the mechanisms already in place to collect the revenue needed to pay the self-insurance liability premium expenditures is necessary in order for BPC to show compliance with legislative intent thus prompting the state to transfer the funds from the pilotage account. Without the fund sources allocated by ESHB 1160, the agency would be in financial crisis, putting BPC's mission to ensure against the loss of lives, loss of or damage to property and vessels, and to protect the marine environment by maintaining efficient and competent pilotage services, in jeopardy.

Statutory Authority for Adoption: Chapter 88.16 RCW.

Rule is necessary because of state court decision, *Katharine Sweeney vs. BPC*, Cause Number 11-2-36792-4SEA in King County Superior Court and Joint Motion to Dismiss the Appeal in Cause No. 72664-1 in the Washington County [Court] of Appeals.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: BPC's self-insurance liability premium is comprised of monetary contributions from BPC, Puget Sound pilots, and those vessels taking pilots in the Puget Sound pilotage district. This revised rule enforces the collection of revenue from all participants.

Name of Proponent: BPC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jaimie C. Bever, Seattle, Washington, 206-515-3887; and Enforcement: Board of Pilotage Commissioners, Seattle, Washington, 206-515-3904.

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 the adoption of these rules. BPC is not a listed agency in RCW 34.05.328 (5)(a)(i).

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

Is exempt under chapter 88.16 RCW.

Explanation of exemptions: This was a legislative mandate. The application of the proposed language is clear in the description of the proposal and its anticipated effects as well as the proposed revised WAC language.

July 25, 2019

Jaimie C. Bever  
Executive Director

AMENDATORY SECTION (Amending WSR 17-20-009, filed 9/22/17, effective 10/23/17)

**WAC 363-116-301 New revenue collection.** With respect to the passage of Engrossed (~~Senate Bill No. 5096~~) Substitute House Bill No. 1160, Section 108, the board of pilotage commissioners is appropriated (~~one million one hundred thousand~~) three million one hundred twenty-five thousand dollars from the (~~multimodal transportation~~) pilotage account state appropriation solely for self-insurance liability premium expenditures. This appropriation is contingent upon (~~three~~) two stipulated conditions:

(1) The Puget Sound pilots shall pay to the board, from its tariffs, one hundred fifty thousand dollars annually on July 1, (~~2017~~) 2019, and July 1, (~~2018~~) 2020. These amounts shall be deposited by the board into the pilotage account and used solely for the expenditure of self-insurance premiums; and

(2) (~~The board shall maintain the Puget Sound pilotage district pilotage tariff at the rate which became effective on January 1, 2017; and~~

~~(3))~~) A self-insurance premium surcharge of sixteen dollars shall be added to each Puget Sound pilotage assignment on all vessels requiring pilotage in the Puget Sound pilotage district. The Puget Sound pilots shall remit the total amount of such surcharges generated to the board by the tenth of each month. The surcharge shall be in effect from July 1, (~~2017~~) 2019, through June 30, (~~2019~~) 2021. These amounts shall be in addition to those fees to be paid to the board pursuant to subsection (1) of this section and shall be deposited by the board into the pilotage account solely for the expenditure of self-insurance premiums.

These (~~three~~) two directives are in effect beginning May (~~18, 2017~~) 16, 2019, through June 30, (~~2019~~) 2021.

**WSR 19-16-022**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**

[Filed July 26, 2019, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-036.

Title of Rule and Other Identifying Information: WAC 182-538A-160 Program integrity requirements.

Hearing Location(s): On September 10, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Conference Room, 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 September 11, 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 September 10, 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 September 6, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is updating the rules for program integrity activities related to managed care to align with federal rules and is repealing WAC 182-538A-160. The agency intends to replace it with subsequent revisions to chapter 182-502A WAC, Program integrity (see WSR 19-08-089).

Reasons Supporting Proposal: See purpose above.

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: Alice Lind, P.O. Box 45530, Olympia, WA 98504-5530, 360-725-2053.

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 proposed repeal of this rule does not impose any costs on businesses.

July 26, 2019  
Wendy Barcus  
Rules Coordinator

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-538A-160 Program integrity requirements.

**WSR 19-16-042**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 29, 2019, 3:04 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: **Family reconciliation services (FRS) program**, WAC 110-40-0020 Who may receive FRS services?, 110-40-0030 What FRS does the department provide?, 110-40-0101 What are home support services?, 110-40-0102 What are the eligibility criteria for HSS?, and 110-40-0103 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver?

Hearing Location(s): On September 10, 2019, at 1:00 p.m., at 1110 Jefferson Street S.E., St. Helens Conference Room, Olympia, WA.

Date of Intended Adoption: October 11, 2019.

Submit Written Comments to: The Department of Children, Youth, and Families (DCYF) Rules Coordinator, P.O. Box 40975, Olympia, WA 98504, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), fax 360-902-7903, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by September 10, 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 September 2, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: For the FRS program WAC are being amended to change the eligibility age of adolescents from ["thirteen to seventeen years of age" to "twelve through seventeen years old" and repeal sections that pertain to home support services. Additionally, proposals include technical changes necessary following the decodification of chapter 388-32 WAC and its recodification to Title 110 WAC.

Reasons Supporting Proposal: The proposed rules benefit children and families in need of reconciliation services by giving program staff greater flexibility when determining which families are eligible to receive these services, which is expected to result in the program serving more children and families. The home support services rules are being repealed following the program's elimination.

Statutory Authority for Adoption: RCW 74.13.031.

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: Sherrie Flores, P.O. Box 45710, Olympia, WA 98504-5710, 36[360]-902-8332; 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. The proposed rules relate only to internal governmental operations that are not subject to violation by a non-government party. RCW 34.05.328 (5)(b)(ii).

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.

July 29, 2019  
Brenda Villarreal  
Rules Coordinator

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

**WAC 110-40-0020 Who may receive FRS services?**

(1) ~~((CA))~~ DCYF provides FRS to adolescents~~((, thirteen))~~ twelve through seventeen years ~~((of age,))~~ old and their families, in instances where ~~((the adolescent has))~~ adolescents have runaway ~~((and/or is))~~ or are otherwise in conflict with ~~((his/her family))~~ their families. These populations are defined as follows:

"**Families in conflict**" means families in which personal or family situations present a serious and imminent threat to the health or stability of the child, which may include an at-risk youth, or family.

"**Runaways**" means youths who are absent from home for a period of time without parental permission. Services are to actual runaways and not to threatened runaways, unless the threatened runaways meet the definition of families in conflict.

(2) FRS is not provided for any of the following situations, unless the family is seeking an at-risk youth (ARY) or a child-in-need-of-services (CHINS) family assessment:

(a) ~~((The identified youth has not reached his/her thirteenth birthday, or the youth is eighteen years of age or older;~~

~~((b)))~~ Chronic or long-term multiproblem situations requiring long-term interventions;

~~((c)))~~ (b) Custody and marital disputes unless the dispute creates a conflict between the child and parent with physical custody;

~~((d)))~~ (c) Families currently receiving counseling services related to the parent-child conflict/relationship from other agencies;

~~((e)))~~ (d) Child abuse and neglect cases, unless those cases meet the definition of family in conflict; or

~~((f)))~~ (e) Youth receiving foster care or group care services or follow up to those services.

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

**WAC 110-40-0030 What FRS does the department provide?** The assigned ~~((social worker))~~ caseworker provides family reconciliation services (FRS) to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is completed within a thirty-day period. ~~((Children's administration (CA)))~~ The department provides intake and assessment services (IAS).

(1) Youth and their families who call or self-present at a ~~((children's administration))~~ DCYF central intake or local office requesting FRS must be provided assistance in contacting the appropriate ~~((children's administration's))~~ DCYF intake services to make a formal request for FRS.

(2) The FRS ~~((social worker))~~ caseworker must contact the family within twenty-four hours of ~~((their))~~ assignment to the case to schedule an appointment to begin the family interview and assessment.

(3) FRS is intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

(4) Families who require more intensive interventions than those provided by the FRS ~~((social worker))~~ caseworker may be referred to a contracted provider for services. The family must make a commitment to participate in the contracted services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 110-40-0101 What are home support services?

WAC 110-40-0102 What are the eligibility criteria for HSS?

WAC 110-40-0103 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver?

**WSR 19-16-063**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 19-02—Filed July 30, 2019, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-032.

Title of Rule and Other Identifying Information: The department of ecology (ecology) proposes to amend multiple sections of chapter 173-201A WAC, Water quality standards

for surface waters of the state of Washington. This rule making would amend:

- The numeric criteria for total dissolved gas (TDG) in the Snake and Columbia rivers:
  - WAC 173-201A-200 (1)(f)(ii)
- Specific sections of the rule to meet legal obligations in a 2018 Stipulated Order of Dismissal (see discussion below):
  - WAC 173-201A-200 (1)(c)(ii)(B)
  - WAC 173-201A-210 (1)(c)(ii)(B)
  - WAC 173-201A-240(5) Table 240 footnote dd
- The descriptions of marine water aquatic life use designations:
  - WAC 173-201A-210 (1)(a)
  - WAC 173-201A-610 Table 610

For more information on this rule making visit <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-revisions>.

Hearing Location(s): On September 16, 2019, at 1:30 p.m., in-person at Washington State School for the Blind, Fries Auditorium (Old Main Building), 2214 East 13th Street, Vancouver, WA 98661. We are holding this hearing in-person only. The hearing will begin with a short presentation followed by a question and answer (Q&A) session. Testimony will start after the Q&A session. The hearing will conclude once all interested persons, who want to, provide formal testimony.

On September 19, 2019, at 1:30 p.m., webinar only. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access. The hearing will begin with a short presentation followed by a Q&A session. Oral testimony will start after the Q&A session. The hearing will conclude once all interested persons, who want to, provide formal testimony.

Join online and see instructions <https://watech.webex.com/watech/onstage/g.php?MTID=e4de76ff8a5a7a032f96cad3280bcd7d1>.

Date of Intended Adoption: December 11, 2019.

Submit Written Comments to: Susan Braley, send via United States mail at Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, submit comments by United States mail, online, or at the hearing(s), online <http://ws.ecology.commentinput.com/?id=EHijZ>, by September 26, 2019.

Assistance for Persons with Disabilities: Contact ecology Americans with Disabilities Act (ADA) coordinator, phone 360-407-6831, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email [ecyADAcordinator@ecy.wa.gov](mailto:ecyADAcordinator@ecy.wa.gov), by September 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: We are proposing to amend chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, including: (Revision A) modifying TDG criteria, (Revision B) meeting legal obligations, and (Revision D) clarifying descriptions of marine aquatic life use designations. Revision C (aligning shellfish criteria), which was previously included in the announcement phase of this rule making, is not included in

this proposed rule. After further consultation with the Washington state department of health, ecology decided not to move forward with Revision C at this time. Ecology learned that the alignment of this rule with the state and federal shellfish program procedures will require more research and time than was available for this rule making. Proposed amendments for this rule making include:

**(Revision A) Amending the numeric criteria for TDG in the Snake and Columbia rivers at WAC 173-201A-200 (1)(f)(ii):** The goal of this rule proposal is to improve fish passage for salmon and steelhead migrating downstream in the Snake and Columbia rivers. Dams release water through spillways over the dam and fish using the spillway have a better chance for survival compared to those that pass through the dams' turbines. However, spilling water also increases TDG that can negatively impact aquatic life. This rule proposal would amend the TDG limit to allow for greater water flow through spillways for improved salmon migration, while ensuring that TDG limits minimize negative impacts to aquatic life through sufficient biological monitoring.

These amendments would:

- Provide a new adjusted TDG criteria that may be applied at dams that operate increased spills for the purpose of improving downstream juvenile salmon and steelhead migration in the Snake and Columbia rivers.
- Establish biological thresholds that must be met to apply an adjusted criteria up to one hundred twenty-five percent TDG.

**(Revision B) Meeting obligations made in a 2018 U.S. District Court Stipulated Order of Dismissal between Northwest Environmental Advocates (NWEA), Environmental Protection Agency (EPA), and Ecology:** We are proposing to amend sections of the surface water quality standards (SWQS) as agreed to in a 2018 U.S. District Court Stipulated Order of Dismissal (Order) between NWEA, the United States EPA, and ecology. In the order, ecology agreed to take action on several sections of SWQS by October 2021, including:

i. The removal of two subsections in the fresh and marine water temperature criteria relating to an incremental temperature allowance from nonpoint source activities when the water is cooler than the assigned numeric criterion (WAC 173-201A-200 (1)(c)(ii)(B) and 173-201A-210 (1)(c)(ii)(B)).

- Although these provisions for nonpoint temperature increases have been in the standards for decades, they have not been applied in ecology's nonpoint protection program. The provisions may also conflict with our current antidegradation requirements that already prescribe a different temperature allowance when water is cooler than the assigned numeric criterion. For these reasons, ecology agreed to remove these subsections of temperature criteria and is including the revision in this rule making to be compliant with the order.

ii. An amendment to footnote "dd" in WAC 173-201A-240(5), Table 240 to clarify that an adjustment of metals criteria (water effects ratio) pursuant to this footnote requires EPA approval pursuant to 33 U.S.C. § 1313(c).

- Ecology agreed to amend the footnote in Table 240 to clarify that adjustments to metals criteria requires EPA approval. EPA previously indicated to ecology that any efforts to revise metals criteria by developing water effects ratios would need to go through a separate rule making, which ecology agreed to. This amendment would codify the agreed-upon intent of this footnote and would not change how the footnote is currently implemented.

**(Revision D) Clarifying the descriptions of marine water aquatic life use designations:** We are proposing amendments to the aquatic life use designation descriptions for marine waters (WAC 173-201A-210 (1)(a) and 173-201A-610 Table 610). In a 2003 rule making to update SWQS, the restructuring of aquatic life use designations descriptions resulted in an unintentional change that applied these use designations to cold water fisheries. This error was recently discovered when the City of Everett petitioned ecology to revise dissolved oxygen criteria for marine waters. The city pointed out the discrepancies in the marine use designation descriptions, and upon review, ecology agreed that this was an unintended error and that the agency would correct [it] in a future rule making. The proposed amendments would return the descriptions to their original intent and improve the ability for the public to apply SWQS appropriately.

Reasons Supporting Proposal: See answer to purpose of the proposal.

Statutory Authority for Adoption: RCW 90.48.035 provides clear and direct authority to ecology to revise SWQS. Additionally, 40 C.F.R. 131.20 requires states and tribes with Federal Clean Water Act authority to periodically review and update SWQS.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Rule is necessary because of federal law, Federal Water Pollution Control Act - 33 U.S.C. 1251 et seq and 40 C.F.R. Part 131 - Water Quality Standards.

Name of Proponent: Ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Bryson Finch, Headquarters, Lacey, 360-407-7158; Implementation: Chad Brown, Headquarters, Lacey, 360-407-6128; and Enforcement: Heather Bartlett, Headquarters, Lacey, 360-407-6405.

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 Susan Braley, Department of Ecology, Water Quality Program, P.O. Box 47600, Lacey, WA 98504-7600, phone 360-407-6414, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov), <https://fortress.wa.gov/ecy/publications/SummaryPages/1910031.html>[html].

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. Ecology has analyzed the compliance costs of this rule making in our preliminary regulatory analyses document (<https://fortress.wa.gov/ecy/publications/SummaryPages/1910031.html>). Based on this analysis ecology has determined the proposed amendments do not impose compliance costs on private businesses. Parties regulated by the amendments are all government and publicly owned entities.

Therefore, ecology is not required to prepare a small business economic impact statement (RCW 19.85.030 (1)(a)).

A copy of the detailed cost calculations may be obtained by contacting Susan Braley, Department of Ecology, Water Quality Program, P.O. Box 47600, Lacey, WA 98504-7600, phone 360-407-6414, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711. To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>, email [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov).

July 30, 2019

Polly Zehm

Deputy Director

AMENDATORY SECTION (Amending WSR 19-04-007, filed 1/23/19, effective 2/23/19)

**WAC 173-201A-200 Fresh water designated uses and criteria.** The following uses are designated for protection in fresh surface waters of the state. Use designations for water bodies are listed in WAC 173-201A-600 and 173-201A-602.

(1) **Aquatic life uses.** Aquatic life uses are designated based on the presence of, or the intent to provide protection for, the key uses identified in (a) of this subsection. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state in addition to the key species described below.

(a) The categories for aquatic life uses are:

(i) **Char spawning and rearing.** The key identifying characteristics of this use are spawning or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.

(ii) **Core summer salmonid habitat.** The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.

(iii) **Salmonid spawning, rearing, and migration.** The key identifying characteristic of this use is salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14). Other common characteristic aquatic life uses for waters in this category include rearing and migration by salmonids.

(iv) **Salmonid rearing and migration only.** The key identifying characteristic of this use is use only for rearing or migration by salmonids (not used for spawning).

(v) **Non-anadromous interior redband trout.** For the protection of waters where the only trout species is a non-anadromous form of self-reproducing interior redband trout (*O. mykiss*), and other associated aquatic life.

(vi) **Indigenous warm water species.** For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chiselmouth, sucker, and northern pikeminnow.

(b) **General criteria.** General criteria that apply to all aquatic life fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, water temperature is measured by the 7-day average of the daily maximum temperatures (7-DADMax). Table 200 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 200 (1)(c)**

**Aquatic Life Temperature Criteria in Fresh Water**

Category	Highest 7-DADMax
Char Spawning and Rearing*	12°C (53.6°F)
Core Summer Salmonid Habitat*	16°C (60.8°F)
Salmonid Spawning, Rearing, and Migration*	17.5°C (63.5°F)
Salmonid Rearing and Migration Only	17.5°C (63.5°F)
Non-anadromous Interior Redband Trout	18°C (64.4°F)
Indigenous Warm Water Species	20°C (68°F)

\*Note: Some streams have a more stringent temperature criterion that is applied seasonally to further protect salmonid spawning and egg incubation. See (c)(B)(iv) of this subsection.

(i) When a water body's temperature is warmer than the criteria in Table 200 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the background condition of the water is cooler than the criteria in Table 200 (1)(c), ~~((the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:~~

~~(A))) incremental temperature increases resulting from individual point source activities must not, at any time, exceed 28/(T+7) as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge)((and~~

~~(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F)).~~

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Spawning and incubation protection. The department has identified waterbodies, or portions thereof, which require special protection for spawning and incubation in ecology publication 06-10-038 (also available on ecology's web site at [www.ecology.wa.gov](http://www.ecology.wa.gov)). This publication indicates where and when the following criteria are to be applied to protect the reproduction of native char, salmon, and trout:

- Maximum 7-DADMax temperatures of 9°C (48.2°F) at the initiation of spawning and at fry emergence for char; and
- Maximum 7-DADMax temperatures of 13°C (55.4°F) at the initiation of spawning for salmon and at fry emergence for salmon and trout.

The two criteria above are protective of incubation as long as human actions do not significantly disrupt the normal patterns of fall cooling and spring warming that provide significantly colder temperatures over the majority of the incubation period.

(v) For lakes, human actions considered cumulatively may not increase the 7-DADMax temperature more than 0.3°C (0.54°F) above natural conditions.

(vi) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

- (A) Be taken from well mixed portions of rivers and streams; and
- (B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(vii) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this section or WAC 173-201A-600 through 173-201A-602:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-DADMax temperature at or below 22°C (71.6°F) and the 1-day maximum (1-DMax) temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(viii) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** The D.O. criteria are measured in milligrams per liter (mg/L). Table 200 (1)(d) lists the 1-day minimum D.O. for each of the aquatic life use categories.

**Table 200 (1)(d)  
Aquatic Life Dissolved Oxygen Criteria in Fresh Water**

Category	Lowest 1-Day Minimum
Char Spawning and Rearing	9.5 mg/L
Core Summer Salmonid Habitat	9.5 mg/L
Salmonid Spawning, Rearing, and Migration	8.0 mg/L
Salmonid Rearing and Migration Only	6.5 mg/L
Non-anadromous Interior Red-band Trout	8.0 mg/L
Indigenous Warm Water Species	6.5 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 200 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) For lakes, human actions considered cumulatively may not decrease the dissolved oxygen concentration more than 0.2 mg/L below natural conditions.

(iii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iv) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

(A) Be taken from well mixed portions of rivers and streams; and

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 200 (1)(e) lists the maximum turbidity criteria for each of the aquatic life use categories.

**Table 200 (1)(e)  
Aquatic Life Turbidity Criteria in Fresh Water**

Category	NTUs
Char Spawning and Rearing	Turbidity shall not exceed: <ul style="list-style-type: none"> <li>• 5 NTU over background when the background is 50 NTU or less; or</li> <li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration Salmonid Rearing and Migration Only	Same as above.  Turbidity shall not exceed: <ul style="list-style-type: none"> <li>• 10 NTU over background when the background is 50 NTU or less; or</li> <li>• A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Non-anadromous Interior Redband Trout	Turbidity shall not exceed: <ul style="list-style-type: none"> <li>• 5 NTU over background when the background is 50 NTU or less; or</li> <li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Indigenous Warm Water Species	Turbidity shall not exceed: <ul style="list-style-type: none"> <li>• 10 NTU over background when the background is 50 NTU or less; or</li> <li>• A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>

(i) The turbidity criteria established under WAC 173-201A-200 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceed-

ances of the turbidity criteria. A temporary area of mixing shall be as follows:

(A) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.

(B) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.

(C) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

(D) For projects working within or along lakes, ponds, wetlands, or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life total dissolved gas (TDG) criteria.** TDG is measured in percent saturation. Table 200 (1)(f) lists the maximum TDG criteria for each of the aquatic life use categories.

**Table 200 (1)(f)**

**Aquatic Life Total Dissolved Gas Criteria in Fresh Water**

Category	Percent Saturation
Char Spawning and Rearing	Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration	Same as above.
Salmonid Rearing and Migration <b>Only</b>	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(i) The water quality criteria established in this chapter for TDG shall not apply when the stream flow exceeds the seven-day, ten-year frequency flood.

(ii) The TDG criteria may be adjusted to aid fish passage over hydroelectric dams ~~((when consistent with a department approved gas abatement plan. This plan must be accompanied by fisheries management and physical and biological monitoring plans))~~ spilling for anadromous juvenile fish passage as of the 2020 spill season. The elevated TDG levels are intended to allow increased fish passage without causing more harm to fish populations than caused by turbine fish passage. The following special fish passage exemptions for the Snake and Columbia rivers apply when spilling water at dams is necessary to aid fish passage:

~~((\*) (A) TDG must not exceed;~~

• An average of one hundred fifteen percent as measured in the forebays of the next downstream dams and must not exceed an average of one hundred twenty percent as mea-

ured in the tailraces of each dam (these averages are ((measured)) calculated as an average of the twelve highest ((consecutive)) hourly readings in ((any one)) a calendar day, relative to atmospheric pressure); and

• A maximum TDG ((one-hour average)) saturation level of one hundred twenty-five percent ((must not be exceeded)) calculated as an average of the two highest hourly TDG measures in a calendar day during spillage for fish passage.

(B) To further aid fish passage during the spring spill season (generally from April through June), spill may be increased up to a maximum TDG saturation level of one hundred twenty-five percent calculated as an average of the two highest hourly TDG measures in a calendar day at the tailrace fixed site monitoring location. This TDG criteria may be applied in place of (f)(ii)(A) of this subsection during spring spill operations when applied in accordance with the following conditions:

(I) In addition to complying with the requirements of this chapter, the tailrace maximum TDG criteria applied at dams operated by the U.S. Army Corps of Engineers must be in accordance with legally valid Endangered Species Act consultation documents on Columbia River system operations, including operations for fish passage.

(II) Application of the tailrace maximum TDG criteria must be accompanied by a department approved biological monitoring plan designed to measure impacts of fish exposed to increased TDG conditions. Beginning in the year 2021, plans must include monitoring for nonsalmonid fish species and must continue for a minimum of five years, and thereafter as determined by the department.

(III) TDG must be reduced to allowances specified in (f)(ii)(A) of this subsection if the calculated incidence of gas bubble trauma in salmonids (with a minimum sample size of fifty fish required weekly) or nonsalmonids (with a minimum sample size of fifty fish required weekly) exceeds:

• Gas bubble trauma in nonpaired fins of fifteen percent;  
or

• Gas bubble trauma in nonpaired fins of five percent and gas bubbles occlude more than twenty-five percent of the surface area of the fin.

If gas bubble trauma exceeds these biological thresholds, additional monitoring must demonstrate the incidence of gas bubble trauma below biological thresholds before TDG can be adjusted to allowances specified in this subsection.

(g) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 200 (1)(g) lists the pH levels for each of the aquatic life use categories.

**Table 200 (1)(g)**

**Aquatic Life pH Criteria in Fresh Water**

Use Category	pH Units
Char Spawning and Rearing	pH shall be within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.



Use Category	pH Units
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration	pH shall be within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
Salmonid Rearing and Migration <b>Only</b>	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(2) **Recreational uses.** The recreational use is primary contact recreation.

(a) **General criteria.** General criteria that apply to fresh water recreational uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 200 (2)(b) lists the bacteria criteria to protect water contact recreation in fresh waters. These criteria are based on *Escherichia coli* (*E. coli*) and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform organism levels to determine compliance will expire December 31, 2020.

**Table 200 (2)(b)**

**Primary Contact Recreation Bacteria Criteria in Fresh Water**

Bacterial Indicator	Criteria
<i>E. coli</i>	<i>E. coli</i> organism levels within an averaging period must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within the averaging period exceeding 320 CFU or MPN per 100 mL.
Fecal coliform (expires 12/31/2020)	Fecal coliform organism levels within an averaging period must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within an averaging period exceeding 200 CFU or MPN per 100 mL.

(i) A minimum of three samples is required to calculate a geometric mean for comparison to the geometric mean criteria. Sample collection dates shall be well distributed throughout the averaging period so as not to mask noncompliance periods.

(A) Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining permit compliance, the averaging period shall be thirty days or less.

(B) Ambient water quality samples: When averaging bacteria sample values for comparison to the geometric mean criteria, it is preferable to average by season. The averaging period of bacteria sample data shall be ninety days or less.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for rivers and streams that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the river or stream are being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis as described in WAC 173-201A-430.

(3) **Water supply uses.** The water supply uses are domestic, agricultural, industrial, and stock watering.

**General criteria.** General criteria that apply to the water supply uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

(4) **Miscellaneous uses.** The miscellaneous fresh water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

**General criteria.** General criteria that apply to miscellaneous fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending WSR 19-04-007, filed 1/23/19, effective 2/23/19)

**WAC 173-201A-210 Marine water designated uses and criteria.** The following uses are designated for protection in marine surface waters of the state of Washington. Use designations for specific water bodies are listed in WAC 173-201A-612.

(1) **Aquatic life uses.** Aquatic life uses are designated using the following general categories. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state.

(a) **The categories for aquatic life uses are:**

(i) **Extraordinary quality.** Water quality of this use class shall markedly and uniformly exceed the requirements for all uses including, but not limited to, salmonid ((and)) migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(ii) **Excellent quality.** Water quality of this use class shall meet or exceed the requirements for all uses including, but not limited to, salmonid ((and)) migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(iii) **Good quality.** Water quality of this use class shall meet or exceed the requirements for most uses including, but not limited to, salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(iv) **Fair quality.** Water quality of this use class shall meet or exceed the requirements for selected and essential uses including, but not limited to, salmonid and other fish migration.

(b) **General criteria.** General criteria that apply to aquatic life marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, temperature is measured as a 1-day maximum temperature (1-DMax). Table 210 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 210 (1)(c)**

**Aquatic Life Temperature Criteria in Marine Water**

Category	Highest 1-DMax
<i>Extraordinary quality</i>	13°C (55.4°F)
<i>Excellent quality</i>	16°C (60.8°F)
<i>Good quality</i>	19°C (66.2°F)
<i>Fair quality</i>	22°C (71.6°F)

(i) When a water body's temperature is warmer than the criteria in Table 210 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the natural condition of the water is cooler than the criteria in Table 210 (1)(c), ~~((the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:~~

~~(A)))~~ incremental temperature increases resulting from individual point source activities must not, at any time, exceed  $12/(T-2)$  as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge)~~(; and~~

~~(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F)).~~

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(v) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this subsection or WAC 173-201A-612:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-DADMax temperature at or below 22°C (71.6°F) and the 1-DMax temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(vi) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** Except where noted, D.O. concentrations are measured as a 1-day minimum in milligrams per liter. Table 210 (1)(d) lists the D.O. criteria for each of the aquatic life use categories.

**Table 210 (1)(d)**

**Aquatic Life Dissolved Oxygen Criteria in Marine Water**

Category	Lowest 1-Day Minimum
<i>Extraordinary quality</i>	7.0 mg/L
<i>Excellent quality</i>	6.0 mg/L
<i>Good quality</i>	5.0 mg/L
<i>Fair quality</i>	4.0 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 210 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions

considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iii) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 210 (1)(e) lists the one-day maximum turbidity allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1)(e)  
Aquatic Life Turbidity Criteria in Marine Water**

Category	NTUs
<i>Extraordinary quality</i>	Turbidity must not exceed: • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
<i>Excellent quality</i>	Same as above.
<i>Good quality</i>	Turbidity must not exceed: • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.
<i>Fair quality</i>	Same as above.

(i) The turbidity criteria established under WAC 173-201A-210 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. For estuaries or marine waters, the point of compliance for a temporary area of mixing shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 210 (1)(f) lists the pH levels allowed as a

result of human actions for each of the aquatic life use categories.

**Table 210 (1)(f)  
Aquatic Life pH Criteria in Marine Water**

Use Category	pH Units
<i>Extraordinary quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.2 units.
<i>Excellent quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
<i>Good quality</i>	Same as above.
<i>Fair quality</i>	pH must be within the range of 6.5 to 9.0 with a human-caused variation within the above range of less than 0.5 units.

**(2) Shellfish harvesting.**

(a) General criteria. General criteria that apply to shellfish harvesting uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Shellfish harvesting bacteria criteria.** Fecal coliform organism levels are used to protect shellfish harvesting. Criteria are expressed as colony forming units (CFU) or most probable number (MPN). Fecal coliform must not exceed a geometric mean value of 14 CFU or MPN per 100 mL, and not have more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 CFU or MPN per 100 mL.

(i) Shellfish growing areas approved for unconditional harvest by the state department of health are fully supporting the shellfish harvest goals of this chapter, even when comparison with the criteria contained in this chapter suggest otherwise.

(ii) When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(iii) When determining compliance with the bacteria criteria in or around small sensitive areas, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically

averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iv) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water are being met.

(v) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.

(3) **Recreational uses.** The recreational use is primary contact recreation.

(a) **General criteria.** General criteria that apply to water contact uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 210 (3)(b) lists the bacteria criteria to protect water contact recreation in marine waters. These criteria are based on enterococci and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform levels to determine compliance will expire December 31, 2020.

**Table 210 (3)(b)**

**Primary Contact Recreation Bacteria Criteria in Marine Water**

Bacterial Indicator	Criteria
Enterococci	Enterococci organism levels within an averaging period must not exceed a geometric mean value of 30 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample values exist) obtained within the averaging period exceeding 110 CFU or MPN per 100 mL.
Fecal coliform (expires 12/31/2020)	Fecal coliform organism levels within an averaging period must not exceed a geometric mean value of 14 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within an averaging period exceeding 43 CFU or MPN per 100 mL.

(i) A minimum of three samples is required to calculate a geometric mean for comparison to the geometric mean criterion. Sample collection dates shall be well distributed throughout the averaging period so as not to mask noncompliance periods.

(A) Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining permit compliance, the averaging period shall be thirty days or less.

(B) Ambient water quality samples: When averaging ambient bacteria sample values for comparison to the geometric mean criteria, it is preferable to average by season. The averaging period of bacteria sample data shall be ninety days or less.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water are being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis as described in WAC 173-201A-430.

(4) **Miscellaneous uses.** The miscellaneous marine water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

**General criteria.** General criteria that apply in miscellaneous marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending WSR 16-16-095, filed 8/1/16, effective 9/1/16)

**WAC 173-201A-240 Toxic substances.** (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and designated uses of waters are being fully protected.

(3) USEPA Quality Criteria for Water, 1986, as revised, shall be used in the use and interpretation of the values listed in subsection (5) of this section.

(4) Concentrations of toxic, and other substances with toxic propensities not listed in Table 240 of this section shall be determined in consideration of USEPA Quality Criteria

for Water, 1986, and as revised, and other relevant information as appropriate.

(5) The following criteria, found in Table 240, shall be applied to all surface waters of the state of Washington. Values are µg/L for all substances except ammonia and chloride which are mg/L, and asbestos which is million fibers/L. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria.

(a) **Aquatic life protection.** The department may revise the criteria in Table 240 for aquatic life on a statewide or water body-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this

chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act.

(b) **Human health protection.** The following provisions apply to the human health criteria in Table 240. All waters shall maintain a level of water quality when entering downstream waters that provides for the attainment and maintenance of the water quality standards of those downstream waters, including the waters of another state. The human health criteria in the tables were calculated using a fish consumption rate of 175 g/day. Criteria for carcinogenic substances were calculated using a cancer risk level equal to one-in-one-million, or as otherwise specified in this chapter. The human health criteria calculations and variables include chronic durations of exposure up to seventy years. All human health criteria for metals are for total metal concentrations, unless otherwise noted. Dischargers have the obligation to reduce toxics in discharges through the use of AKART.

**Table 240**  
**Toxics Substances Criteria**

Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
<b>Metals:</b>								
Antimony	7440360	Metals, cyanide, and total phenols	-	-	-	-	12	180
Arsenic	7440382	Metals, cyanide, and total phenols	360.0 (c,dd)	190.0 (d,dd)	69.0 (c,ll,dd)	36.0 (d,cc,ll,dd)	10 (A)	10 (A)
Asbestos	1332214	Toxic pollutants and hazardous substances	-	-	-	-	7,000,000 fibers/L (C)	-
Beryllium	7440417	Metals, cyanide, and total phenols	-	-	-	-	-	-
Cadmium	7440439	Metals, cyanide, and total phenols	(i,c,dd)	(j,d,dd)	42.0 (c,dd)	9.3 (d,dd)	-	-
Chromium (III)	16065831	Metals, cyanide, and total phenols	(m,c,gg)	(n,d,gg)	-	-	-	-
Chromium (VI)	18540299	Metals, cyanide, and total phenols	15.0 (c,l,ii,dd)	10.0 (d,jj,dd)	1,100.0 (c,l,ll,dd)	50.0 (d,ll,dd)	-	-
Copper	7440508	Metals, cyanide, and total phenols	(o,c,dd)	(p,d,dd)	4.8 (c,ll,dd)	3.1 (d,ll,dd)	1,300 (C)	-
Lead	7439921	Metals, cyanide, and total phenols	(q,c,dd)	(r,d,dd)	210.0 (c,ll,dd)	8.1 (d,ll,dd)	-	-
Mercury	7439976	Metals, cyanide, and total phenols	2.1 (c,kk,dd)	0.012 (d,ff,s)	1.8 (c,ll,dd)	0.025 (d,ff,s)	(G)	(G)
Methylmercury	22967926	Nonconventional	-	-	-	-	-	-
Nickel	7440020	Metals, cyanide, and total phenols	(t,c,dd)	(u,d,dd)	74.0 (c,ll,dd)	8.2 (d,ll,dd)	150	190
Selenium	7782492	Metals, cyanide, and total phenols	20.0 (c,ff)	5.0 (d,ff)	290 (c,ll,dd)	71.0 (d,x,ll,dd)	120	480
Silver	7440224	Metals, cyanide, and total phenols	(y,a,dd)	-	1.9 (a,ll,dd)	-	-	-
Thallium	7440280	Metals, cyanide, and total phenols	-	-	-	-	0.24	0.27
Zinc	7440666	Metals, cyanide, and total phenols	(aa,c,dd)	(bb,d,dd)	90.0 (c,ll,dd)	81.0 (d,ll,dd)	2,300	2,900

Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
<b>Other chemicals:</b>								
1,1,1-Trichloroethane	71556	Volatile	-	-	-	-	47,000	160,000
1,1,2,2-Tetrachloroethane	79345	Volatile	-	-	-	-	0.12 (B)	0.46 (B)
1,1,2-Trichloroethane	79005	Volatile	-	-	-	-	0.44 (B)	1.8 (B)
1,1-Dichloroethane	75343	Volatile	-	-	-	-	-	-
1,1-Dichloroethylene	75354	Volatile	-	-	-	-	1200	4100
1,2,4-Trichlorobenzene	120821	Base/neutral compounds	-	-	-	-	0.12 (B)	0.14 (B)
1,2-Dichlorobenzene	95501	Volatile	-	-	-	-	2000	2500
1,2-Dichloroethane	107062	Volatile	-	-	-	-	9.3 (B)	120 (B)
1,2-Dichloropropane	78875	Volatile	-	-	-	-	0.71 (B)	3.1 (B)
1,3-Dichloropropene	542756	Volatile	-	-	-	-	0.24 (B)	2 (B)
1,2-Diphenylhydrazine	122667	Base/neutral compounds	-	-	-	-	0.015 (B)	0.023 (B)
1,2-Trans-Dichloroethylene	156605	Volatile	-	-	-	-	600	5,800
1,3-Dichlorobenzene	541731	Volatile	-	-	-	-	13	16
1,4-Dichlorobenzene	106467	Volatile	-	-	-	-	460	580
2,3,7,8-TCDD (Dioxin)	1746016	Dioxin	-	-	-	-	0.000000064	0.000000064
2,4,6-Trichlorophenol	88062	Acid compounds	-	-	-	-	0.25 (B)	0.28 (B)
2,4-Dichlorophenol	120832	Acid compounds	-	-	-	-	25	34
2,4-Dimethylphenol	105679	Acid compounds	-	-	-	-	85	97
2,4-Dinitrophenol	51285	Acid compounds	-	-	-	-	60	610
2,4-Dinitrotoluene	121142	Base/neutral compounds	-	-	-	-	0.039 (B)	0.18 (B)
2,6-Dinitrotoluene	606202	Base/neutral compounds	-	-	-	-	-	-
2-Chloroethyvinyl Ether	110758	Volatile	-	-	-	-	-	-
2-Chloronaphthalene	91587	Base/neutral compounds	-	-	-	-	170	180
2-Chlorophenol	95578	Acid compounds	-	-	-	-	15	17
2-Methyl-4,6-Dinitrophenol (4,6-dinitro-o-cresol)	534521	Acid compounds	-	-	-	-	7.1	25
2-Nitrophenol	88755	Acid compounds	-	-	-	-	-	-
3,3'-Dichlorobenzidine	91941	Base/neutral compounds	-	-	-	-	0.0031 (B)	0.0033 (B)
3-Methyl-4-Chlorophenol (parachlorometa cresol)	59507	Acid compounds	-	-	-	-	36	36
4,4'-DDD	72548	Pesticides/PCBs	-	-	-	-	0.000036 (B)	0.000036 (B)
4,4'-DDE	72559	Pesticides/PCBs	-	-	-	-	0.000051 (B)	0.000051 (B)
4,4'-DDT	50293	Pesticides/PCBs	-	-	-	-	0.000025 (B)	0.000025 (B)
4,4'-DDT(and metabolites)		Pesticides/PCBs	1.1 (a)	0.001 (b)	0.13 (a)	0.001 (b)	-	-
4-Bromophenyl Phenyl Ether	101553	Base/neutral compounds	-	-	-	-	-	-

Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
4-Chorophenyl Phenyl Ether	7005723	Base/neutral compounds	-	-	-	-	-	-
4-Nitrophenol	100027	Acid compounds	-	-	-	-	-	-
Acenaphthene	83329	Base/neutral compounds	-	-	-	-	110	110
Acenaphthylene	208968	Base/neutral compounds	-	-	-	-	-	-
Acrolein	107028	Volatile	-	-	-	-	1.0	1.1
Acrylonitrile	107131	Volatile	-	-	-	-	0.019 (B)	0.028 (B)
Aldrin	309002	Pesticides/PCBs	2.5 (a,e)	0.0019 (b,e)	0.71 (a,e)	0.0019 (b,e)	0.0000057 (B)	0.0000058 (B)
alpha-BHC	319846	Pesticides/PCBs	-	-	-	-	0.0005 (B)	0.00056 (B)
alpha-Endosulfan	959988	Pesticides/PCBs	-	-	-	-	9.7	10
Anthracene	120127	Base/neutral compounds	-	-	-	-	3,100	4,600
Benzene	71432	Volatile	-	-	-	-	0.44 (B)	1.6 (B)
Benzidine	92875	Base/neutral compounds	-	-	-	-	0.00002 (B)	0.000023 (B)
Benzo(a) Anthracene	56553	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Benzo(a) Pyrene	50328	Base/neutral compounds	-	-	-	-	0.0014 (B)	0.0021 (B)
Benzo(b) Fluoranthene	205992	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Benzo(ghi) Perylene	191242	Base/neutral compounds	-	-	-	-	-	-
Benzo(k) Fluoranthene	207089	Base/neutral compounds	-	-	-	-	0.014 (B)	0.21 (B)
beta-BHC	319857	Pesticides/PCBs	-	-	-	-	0.0018 (B)	0.002 (B)
beta-Endosulfan	33213659	Pesticides/PCBs	-	-	-	-	9.7	10
Bis(2-Chloroethoxy) Methane	111911	Base/neutral compounds	-	-	-	-	-	-
Bis(2-Chloroethyl) Ether	111444	Base/neutral compounds	-	-	-	-	0.02 (B)	0.06 (B)
Bis(2-Chloroisopropyl) Ether	39638329	Base/neutral compounds	-	-	-	-	-	-
Bis(2-Ethylhexyl) Phthalate	117817	Base/neutral compounds	-	-	-	-	0.23 (B)	0.25 (B)
Bromoform	75252	Volatile	-	-	-	-	5.8 (B)	27 (B)
Butylbenzyl Phthalate	85687	Base/neutral compounds	-	-	-	-	0.56 (B)	0.58 (B)
Carbon Tetrachloride	56235	Volatile	-	-	-	-	0.2 (B)	0.35 (B)
Chlordane	57749	Pesticides/PCBs	2.4 (a)	0.0043 (b)	0.09 (a)	0.004 (b)	0.000093 (B)	0.000093 (B)
Chlorobenzene	108907	Volatile	-	-	-	-	380	890
Chlorodibromomethane	124481	Volatile	-	-	-	-	0.65 (B)	3 (B)
Chloroethane	75003	Volatile	-	-	-	-	-	-

Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Chloroform	67663	Volatile	-	-	-	-	260	1200
Chrysene	218019	Base/neutral compounds	-	-	-	-	1.4 (B)	2.1 (B)
Cyanide	57125	Metals, cyanide, and total phenols	22.0 (c,ee)	5.2 (d,ee)	1.0 (c,mm,ee)	(d,mm,ee)	19 (D)	270 (D)
delta-BHC	319868	Pesticides/PCBs	-	-	-	-	-	-
Dibenzo(a,h) Anthracene	53703	Base/neutral compounds	-	-	-	-	0.0014 (B)	0.0021 (B)
Dichlorobromomethane	75274	Volatile	-	-	-	-	0.77 (B)	3.6 (B)
Dieldrin	60571	Pesticides/PCBs	2.5 (a,e)	0.0019 (b,e)	0.71 (a,e)	0.0019 (b,e)	0.0000061 (B)	0.0000061 (B)
Diethyl Phthalate	84662	Base/neutral compounds	-	-	-	-	4,200	5,000
Dimethyl Phthalate	131113	Base/neutral compounds	-	-	-	-	92,000	130,000
Di-n-Butyl Phthalate	84742	Base/neutral compounds	-	-	-	-	450	510
Di-n-Octyl Phthalate	117840	Base/neutral compounds	-	-	-	-	-	-
Endosulfan		Pesticides/PCBs	0.22 (a)	0.056 (b)	0.034 (a)	0.0087 (b)	-	-
Endosulfan Sulfate	1031078	Pesticides/PCBs	-	-	-	-	9.7	10
Endrin	72208	Pesticides/PCBs	0.18 (a)	0.0023 (b)	0.037 (a)	0.0023 (b)	0.034	0.035
Endrin Aldehyde	7421934	Pesticides/PCBs	-	-	-	-	0.034	0.035
Ethylbenzene	100414	Volatile	-	-	-	-	200	270
Fluoranthene	206440	Base/neutral compounds	-	-	-	-	16	16
Fluorene	86737	Base/neutral compounds	-	-	-	-	420	610
Hexachlorocyclohexane (gamma-BHC; Lindane)	58899	Pesticides/PCBs	2.0 (a)	0.08 (b)	0.16 (a)	-	15	17
Heptachlor	76448	Pesticides/PCBs	0.52 (a)	0.0038 (b)	0.053 (a)	0.0036 (b)	0.0000099 (B)	0.00001 (B)
Heptachlor Epoxide	1024573	Pesticides/PCBs	-	-	-	-	0.0000074 (B)	0.0000074 (B)
Hexachlorobenzene	118741	Base/neutral compounds	-	-	-	-	0.000051 (B)	0.000052 (B)
Hexachlorobutadiene	87683	Base/neutral compounds	-	-	-	-	0.69 (B)	4.1 (B)
Hexachlorocyclopentadiene	77474	Base/neutral compounds	-	-	-	-	150	630
Hexachloroethane	67721	Base/neutral compounds	-	-	-	-	0.11 (B)	0.13 (B)
Indeno(1,2,3-cd) Pyrene	193395	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Isophorone	78591	Base/neutral compounds	-	-	-	-	27 (B)	110 (B)
Methyl Bromide	74839	Volatile	-	-	-	-	520	2,400
Methyl Chloride	74873	Volatile	-	-	-	-	-	-
Methylene Chloride	75092	Volatile	-	-	-	-	16 (B)	250 (B)



Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Napthalene	91203	Base/neutral compounds	-	-	-	-	-	-
Nitrobenzene	98953	Base/neutral compounds	-	-	-	-	55	320
N-Nitrosodimethylamine	62759	Base/neutral compounds	-	-	-	-	0.00065 (B)	0.34 (B)
N-Nitrosodi-n-Propylamine	621647	Base/neutral compounds	-	-	-	-	0.0044 (B)	0.058 (B)
N-Nitrosodiphenylamine	86306	Base/neutral compounds	-	-	-	-	0.62 (B)	0.69 (B)
Pentachlorophenol (PCP)	87865	Acid compounds	(w,c)	(v,d)	13.0 (c)	7.9 (d)	0.046 (B)	0.1 (B)
Phenanthrene	85018	Base/neutral compounds	-	-	-	-	-	-
Phenol	108952	Acid compounds	-	-	-	-	18,000	200,000
Polychlorinated Biphenyls (PCBs)		Pesticides/PCBs	2.0 (b)	0.014 (b)	10.0 (b)	0.030 (b)	0.00017 (E)	0.00017 (E)
Pyrene	129000	Base/neutral compounds	-	-	-	-	310	460
Tetrachloroethylene	127184	Volatile	-	-	-	-	4.9 (B)	7.1 (B)
Toluene	108883	Volatile	-	-	-	-	180	410
Toxaphene	8001352	Pesticides/PCBs	0.73 (c,z)	0.0002 (d)	0.21 (c,z)	0.0002 (d)	0.000032 (B)	0.000032 (B)
Trichloroethylene	79016	Volatile	-	-	-	-	0.38 (B)	0.86 (B)
Vinyl Chloride	75014	Volatile	-	-	-	-	0.02 (B, F)	0.26 (B, F)
Ammonia (hh)		Nonconventional	(f,c)	(g,d)	0.233 (h,c)	0.035 (h,d)	-	-
Chloride (dissolved) (k)		Nonconventional	860.0 (h,c)	230.0 (h,d)	-	-	-	-
Chlorine (total residual)		Nonconventional	19.0 (c)	11.0 (d)	13.0 (c)	7.5 (d)	-	-
Chlorpyrifos		Toxic pollutants and hazardous substances	0.083 (c)	0.041 (d)	0.011 (c)	0.0056 (d)	-	-
Parathion		Toxic pollutants and hazardous substances	0.065 (c)	0.013 (d)	-	-	-	-

Footnotes for aquatic life criteria in Table 240:

- An instantaneous concentration not to be exceeded at any time.
- A 24-hour average not to be exceeded.
- A 1-hour average concentration not to be exceeded more than once every three years on the average.
- A 4-day average concentration not to be exceeded more than once every three years on the average.
- Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

$$\text{For salmonids present: } \frac{0.275}{1 + 10^{7.204-pH}} + \frac{39.0}{1 + 10^{pH-7.204}}$$

$$\text{For salmonids absent: } \frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{pH-7.204}}$$

g. Shall not exceed the numerical concentration calculated as follows:

Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

$$0.80 \div (FT)(FPH)(RATIO)$$

- where: RATIO = 13.5; 7.7 ≤ pH ≤ 9
- RATIO =  $\frac{20.25 \times 10^{(7.7-pH)}}{7.7} \div (1 + 10^{(7.4-pH)})$ ; 6.5 ≤ pH ≤ 7.7
- FT = 1.4; 15 ≤ T ≤ 30
- FT =  $10^{[0.03(20-T)]}$ ; 0 ≤ T ≤ 15
- FPH = 1; 8 ≤ pH ≤ 9
- FPH =  $(1 + 10^{(7.4-pH)}) \div 1.25$ ; 6.5 ≤ pH ≤ 8.0

Total ammonia concentrations for waters where salmonid habitat is not an existing or designated use and other fish early life stages are absent:

$$\text{Chronic Criterion} = \left( \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times (1.45 \times 10^{0.028(25-A)})$$

where: A = the greater of either T (temperature in degrees Celsius) or 7.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

Total ammonia concentration for waters where salmonid habitat is not an existing or designated use and other fish early life stages are present:

$$\text{Chronic Criterion} = \left( \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times B$$

where: B = the lower of either 2.85, or  $1.45 \times 10^{0.028 \times (25-T)}$ . T = temperature in degrees Celsius.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

- h. Measured in milligrams per liter rather than micrograms per liter.
- i.  $\leq (0.944)(e^{(1.128[\ln(\text{hardness})]-3.828)})$  at hardness = 100. Conversion factor (CF) of 0.944 is hardness dependent. CF is calculated for other hardnesses as follows:  $CF = 1.136672 - [(\ln \text{hardness})(0.041838)]$ .
- j.  $\leq (0.909)(e^{(0.7852[\ln(\text{hardness})]-3.490)})$  at hardness = 100. Conversion factor (CF) of 0.909 is hardness dependent. CF is calculated for other hardnesses as follows:  $CF = 1.101672 - [(\ln \text{hardness})(0.041838)]$ .
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.
- m.  $\leq (0.316)(e^{(0.8190[\ln(\text{hardness})] + 3.688)})$
- n.  $\leq (0.860)(e^{(0.8190[\ln(\text{hardness})] + 1.561)})$
- o.  $\leq (0.960)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$
- p.  $\leq (0.960)(e^{(0.8545[\ln(\text{hardness})] - 1.465)})$
- q.  $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 1.460)})$  at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows:  $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$ .
- r.  $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 4.705)})$  at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows:  $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$ .
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t.  $\leq (0.998)(e^{(0.8460[\ln(\text{hardness})] + 3.3612)})$
- u.  $\leq (0.997)(e^{(0.8460[\ln(\text{hardness})] + 1.1645)})$
- v.  $\leq e^{[1.005(pH) - 5.290]}$
- w.  $\leq e^{[1.005(pH) - 4.830]}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 ug/ l in salt water.

- y.  $\leq (0.85)(e^{(1.72[\ln(\text{hardness})] - 6.52)})$
- z. Channel Catfish may be more acutely sensitive.
- aa.  $\leq (0.978)(e^{(0.8473[\ln(\text{hardness})] + 0.8604)})$
- bb.  $\leq (0.986)(e^{(0.8473[\ln(\text{hardness})] + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36 µg/L) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21 µg/L.
- dd. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. The adjusted site specific criteria are not in effect until they have been incorporated into this chapter and approved by EPA. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
- ee. The criteria for cyanide is based on the weak acid dissociable method in the 19th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote dd, above).
- ff. These criteria are based on the total-recoverable fraction of the metal.
- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- hh. The listed fresh water criteria are based on un-ionized or total ammonia concentrations, while those for marine water are based on un-ionized ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.
- ii. The conversion factor used to calculate the dissolved metal concentration was 0.982.
- jj. The conversion factor used to calculate the dissolved metal concentration was 0.962.
- kk. The conversion factor used to calculate the dissolved metal concentration was 0.85.
- ll. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

mm. The cyanide criteria are: 2.8µg/l chronic and 9.1µg/l acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1 µg/L.

Footnotes for human health criteria in Table 240:

- A. This criterion for total arsenic is the maximum contaminant level (MCL) developed under the Safe Drinking Water Act. The MCL for total arsenic is applied to surface waters where consumption of organisms-only and where consumption of water + organisms reflect the designated uses. When the department determines that a direct or indirect industrial discharge to surface waters designated for domestic water supply may be adding arsenic to its wastewater, the department will require the discharger to develop and implement a pollution prevention plan to reduce arsenic through the use of AKART. Industrial wastewater discharges to a privately or publicly owned wastewater treatment facility are considered indirect discharges.
- B. This criterion was calculated based on an additional lifetime cancer risk of one-in-one-million (1 x 10<sup>-6</sup> risk level).
- C. This criterion is based on a regulatory level developed under the Safe Drinking Water Act.

- D. This recommended water quality criterion is expressed as total cyanide, even though the integrated risk information system RfD used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their differing abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no "bioavailability" to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g., Fe4[Fe(CN)6]3), this criterion may be overly conservative.
- E. This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses). The PCBs criteria were calculated using a chemical-specific risk level of  $4 \times 10^{-5}$ . Because that calculation resulted in a higher (less protective) concentration than the current criterion concentration (40 C.F.R. 131.36) the state made a chemical-specific decision to stay at the current criterion concentration.
- F. This criterion was derived using the cancer slope factor of 1.4 (linearized multistage model with a twofold increase to 1.4 per mg/kg-day to account for continuous lifetime exposure from birth).
- G. The human health criteria for mercury are contained in 40 C.F.R. 131.36.

**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 19-04-007, filed 1/23/19, effective 2/23/19)

**WAC 173-201A-610 Use designations—Marine waters.** All marine surface waters have been assigned specific uses for protection under Table 612.

**Table 610 (Key to Table 612)**

Abbreviation	General Description
<b>Aquatic Life Uses:</b>	(see WAC 173-201A-210(1))
<u>Extraordinary Quality</u>	Extraordinary quality. <u>Water quality of this use class shall markedly and uniformly exceed the requirements for all uses including, but not limited to, salmonid ((and)) migration and rearing;</u> other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.
<u>Excellent Quality</u>	Excellent quality. <u>Water quality of this use class shall meet or exceed the requirements for all uses including, but not limited to, salmonid ((and)) migration and rearing;</u> other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

Abbreviation	General Description
<u>Good Quality</u>	Good quality. <u>Water quality of this use class shall meet or exceed the requirements for most uses including, but not limited to, salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.</u>
<u>Fair Quality</u>	Fair quality. <u>Water quality of this use class shall meet or exceed the requirements for selected and essential uses including, but not limited to, salmonid and other fish migration.</u>
<b>Shellfish Harvesting:</b>	(see WAC 173-201A-210(2))
Shellfish Harvest	Shellfish (clam, oyster, and mussel) harvesting.
<b>Recreational Uses:</b>	(see WAC 173-201A-210(3))
Primary Contact	Primary contact recreation.
<b>Miscellaneous Uses:</b>	(see WAC 173-201A-210(4))
Wildlife Habitat	Wildlife habitat.
Harvesting	Salmonid and other fish harvesting, and crustacean and other shellfish (crabs, shrimp, scallops, etc.) harvesting.
Com./Navig.	Commerce and navigation.

Abbreviation	General Description
Boating	Boating.
Aesthetics	Aesthetic values.

**WSR 19-16-066**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 30, 2019, 5:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-04-094.

Title of Rule and Other Identifying Information: WAC 110-400-0001 Authority, 110-400-0020 Applicability, 110-400-0030 Definitions, 110-400-0050 Early intervention services (EIS) providers, 110-400-0070 Child find and referral, 110-400-0100 Natural environments, 110-400-0130 System of payments and fees, 110-400-0140 Use of funds, 110-400-0150 Contracting and local agreements, 110-400-0160 Data collection and reporting, and 110-400-0170 General supervision, monitoring, and enforcement.

Hearing Location(s): On September 10, 2019, at 1:00 p.m., at 1110 Jefferson Street S.E., Cascade Conference Room, Olympia, WA.

Date of Intended Adoption: October 11, 2019.

Submit Written Comments to: The Department of Children, Youth, and Families (DCYF) Rules Coordinator, P.O. Box 40975, Olympia, WA 98504, email dcyf.rulescoordinator@dcyf.wa.gov, fax 360-902-7903, https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online, by September 10, 2019.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-902-7956, fax 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, by September 2, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: For the **early support for infants and toddlers program**, clarify in program definitions that a service provider must be an organization and cannot be an individual. Technical changes necessary following the decodification of chapter 290-400 [170-400] WAC and its recodification to Title 110 WAC are made in the proposals as well as nonsubstantive edits to improve readability.

Reasons Supporting Proposal: As the state lead agency for carrying out the provisions of the early intervention section of the federal Individuals with Disabilities Education Act, DCYF contracts with organizations to ensure that services are provided around the state to eligible families and children. Clarifying that a service provider may not be an individual will eliminate confusion among potential providers.

Statutory Authority for Adoption: RCW 43.216.020 (1)(g).

Statute Being Implemented: RCW 43.216.570 through 43.216.576.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Laurie Thomas, Olympia, 360-725-3516; 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. The proposed rules relate only to internal governmental operations that are not subject to violation by a non-government party and clarify rule language without changing its effect. RCW 34.05.328 (5)(b)(ii) and (iv).

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; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

July 29, 2019

Brenda Villarreal  
 Rules Coordinator

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

**WAC 110-400-0001 Authority.** RCW ~~((43.215.020))~~ 43.216.020 establishes the department of ~~((early learning))~~ children, youth, and families (DCYF) as the state lead agency~~((;))~~ for Part C of the federal Individuals with Disabilities Education Act~~((, with the responsibility and authority to set and enforce rules for the provision of early intervention services in Washington state))~~ (IDEA). RCW 43.216.020 also requires that DCYF develop and adopt rules that establish minimum requirements for the services offered through IDEA Part C programs, including allowable allocations and expenditures for transition into IDEA Part C. Federal authority for this chapter is 20 U.S.C. Sec. 1431-1444 and the Part C regulations in 34 C.F.R. Part 303, ~~((which includes))~~ and DCYF is the state lead agency for receipt of federal funds for early intervention services. DCYF's responsibilities include, but are not limited to, coordination of all funding and oversight of state and federal funding allocated to implement early intervention services.

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

**WAC 110-400-0020 Applicability.** (1) Pursuant to RCW 43.216.020 and 28A.155.065, this chapter applies to all early intervention providers, including school districts, involved in early intervention service provision for children receiving services from the early support for infants and toddlers program, whether or not the ((entity or individual)) agency receives state or federal funds.

(2) This chapter does not apply to any child with a disability receiving a free appropriate public education under chapter 392-172A WAC or 34 C.F.R. Part 300, Part B.

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

**WAC 110-400-0030 Definitions. "Administrative indirect expenses"** means indirect costs such as, general management compensation, joint facility costs, contract administration, fiscal services, and general office supplies that are not allocated to direct services for infants, toddlers, and their families.

**"Department" or "DCYF"** means the department of ~~((early learning))~~ children, youth, and families, the Washington state lead agency designated by the governor to receive state and federal funds to administer the early support for infants and toddlers (ESIT) program. ~~((These responsibilities include, but are not limited to, coordination of all funding and oversight of state and federal funding allocated to implement early intervention services.))~~

**"Department-approved clarification memos"** means the ESIT program published guides and policy memos signed by the ESIT administrator ~~((and posted on the agency web site)).~~

**"Early intervention services ~~((EIS))~~" or "EIS"** means developmental services that include:

- (a) Assistive technology devices and services;
- (b) Audiology services;
- (c) Family training, counseling and home visits;
- (d) Health services;
- (e) Medical services;
- (f) Nursing services;
- (g) Nutrition services;
- (h) Occupational therapy;
- (i) Physical therapy;
- (j) Psychological services;
- (k) Service coordination;
- (l) Signed language and cued language;
- (m) Social work services;
- (n) Special instruction;
- (o) Speech-language pathology;
- (p) Transportation and related costs; and
- (q) Vision services.

**"Early support for infants and toddlers ~~((ESIT))~~ program" or "ESIT"** means the statewide program within ~~((the department of early learning))~~ DCYF that administers all components of the birth to three early intervention system for eligible infants, toddlers, and their families.

**"EIS provider agency"** means any ESIT-approved organization~~(s)~~ including, but not limited to, a public, private, tribal or nonprofit entity, including a school district, ~~((or an individual))~~ that provides EIS, whether or not ~~((the entity or individual))~~ it receives funding from the ESIT program.

**"Local agreement"** means any written agreement required to implement ESIT services.

**"Natural environments"** means settings that are natural or typical for a same-aged infant or toddler without a disability, including the home or community settings.

~~((**"Office of superintendent of public instruction"** means the state educational agency responsible for the supervision of public elementary schools and secondary schools, including the implementation of Part B.))~~

**"Part B"** means special education of children with disabilities under the Individuals with Disabilities Education Act (IDEA), Part B, as amended, 20 U.S.C. Sec. ~~((1431-1444))~~ 1411-1419.

**"Part C"** means early intervention services for children with disabilities under the Individuals with Disabilities Education Act (IDEA), Part C, as amended, 20 U.S.C. Sec. 1431-1444 and 34 C.F.R. Part 303.

**"Policies and procedures"** means ESIT's federally approved policies and procedures for implementing EIS.

**"Potential eligibility"** means, based on existing assessment, evaluation, and the team's clinical understanding of the child's developmental status, the child is determined to be potentially eligible for services under Part B prior to the Part B required eligibility evaluation.

**"School district"** means a local educational agency administering elementary and secondary schools.

**"System of payments and fees"** means the federally required ESIT policy on families' financial contribution to their child's services.

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

**WAC 110-400-0050 ~~((Early intervention services (EIS) providers.))~~ EIS provider agencies.** EIS provider~~(s)~~ agencies must:

- (1) Provide and implement EIS according to state and federal law.
- (2) Deliver services at a consistent level of frequency and intensity for a continuous twelve-month period based on child and family need, and not based on ~~((the))~~ availability of providers.
- (3) Provide or otherwise arrange for all EIS included in the individualized family service plan. Wait lists and capping of services are prohibited.
- (4) Enhance the capacity of the family in facilitating their child's development through natural learning opportunities at home or in community settings where typically developing children live, learn, or play.

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

**WAC 110-400-0070 Child find and referral.** (1) ~~((Early intervention service providers must meet the requirements of))~~ EIS provider agencies must comply with state and federal law requirements regarding child find and referral.

(2) The department and local lead agencies will lead child find efforts and referral activities for the early support for infants and toddlers program. They may consult with state and local partners.

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

**WAC 110-400-0100 Natural environments.** (1) ~~((Early intervention service (EIS) providers must meet the requirements set forth in state and federal law))~~ EIS provider agencies must comply with state and federal law requirements regarding natural environments.

(2) EIS must be provided in natural environments to the maximum extent appropriate based on the needs of the child.

(3) EIS may only occur in a setting other than a natural environment if one or more of a child's individualized family services plan (IFSP) outcomes cannot be met by providing EIS in a natural setting, as determined by the parent and the IFSP team.

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

**WAC 110-400-0130 System of payments and fees.** ~~((Early intervention service (EIS) providers))~~ EIS provider agencies must follow the system of payments and fees set forth in state and federal law, policies, and procedures and department-approved clarification memos.

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

**WAC 110-400-0140 Use of funds.** (1) ~~((Early intervention service (EIS) providers must follow))~~ EIS provider agencies must comply with the use of funds guidance and requirements as set forth in state and federal law.

(2) State and federal funds for the ~~((early support for infants and toddlers (-))~~ESIT(~~(+)~~) program may only be expended for ESIT required activities as ~~((outlined))~~ described in state and federal law.

(3) Administrative indirect expenses ~~((are))~~ must be limited to no more than ten percent of the total public moneys received by an ~~((entity))~~ EIS provider agency providing Part C required components or direct services.

(4) Administrative indirect expenses ~~((are))~~ must be limited to no more than five percent of the total public moneys received by an ~~((entity))~~ EIS provider agency acting as a pass through for state or federal funding.

(5) Under the department's authority, local ESIT budgets will be monitored and subject to audit for allowable expenditures.

(6) EIS provider~~(s)~~ agencies must bill all applicable funding sources including public and private insurance and families, prior to using state and federal funds for early intervention services.

(7) Public funds for the ESIT program may not be used for transition activities required under Part B of the Individuals with Disabilities Education Act.

(8) Under Part C, ~~((these))~~ allowable transition activities may be paid for with early intervention funds. EIS provider agency participation in allowable transition activities may include the following:

(a) The ~~((decision))~~ determination of potential eligibility for Part B prior to referral to Part B~~(s)~~.

(b) Transition planning and activities in the IFSP, including:

(i) Discussions with~~(s)~~ parents and training ~~((of parents))~~, as appropriate, regarding future placements and other matters related to the child's transition; and

(ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting.

(c) Facilitation and participation in the transition conference~~(s)~~.

(d) Sharing of information, with parental consent~~(s and))~~.

(e) Attending the eligibility and IEP meeting, upon ~~((parents))~~ parental request.

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

**WAC 110-400-0150 Contracting and local agreements.** ~~((Early intervention services providers))~~ EIS provider agencies providing ESIT services must comply with contractual provisions from the department, and contracts and local agreements approved by ~~((early support for infants and toddlers (-))~~ESIT(~~(+)~~) local lead agencies~~((in providing ESIT services))~~.

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

**WAC 110-400-0160 Data collection and reporting.** ~~((Early intervention service providers))~~ EIS provider agencies must enter required data elements in the ~~((early support for infants and toddlers (-))~~ESIT(~~(+)~~) data management system and report on ESIT activities as required by contract or local agreement.

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

**WAC 110-400-0170 General supervision, monitoring, and enforcement.** All ~~((early intervention service providers))~~ EIS provider agencies are subject to general supervision, monitoring, and enforcement actions through ~~((the early support for infants and toddlers program (ESIT) and/or))~~ ESIT and ESIT's local lead agencies set forth in state and federal law, contracts, and local agreements.

## WSR 19-16-075

### PROPOSED RULES

### BOARD OF ACCOUNTANCY

[Filed July 31, 2019, 1:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-133.

Title of Rule and Other Identifying Information: WAC 4-30-130 What are the quality assurance review (QAR) requirements for licensed CPA firms?

Hearing Location(s): On October 18, 2019, at 9:00 a.m., at the Capitol Event Center, Lewis and Mason Rooms, 6005 Tyee Drive S.W., Tumwater, WA 98512.

Date of Intended Adoption: October 18, 2019.

Submit Written Comments to: Kirsten Donovan, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507, email [Kirsten.donovan@acb.wa.gov](mailto:Kirsten.donovan@acb.wa.gov), fax 360-664-9190, by October 16, 2019.

Assistance for Persons with Disabilities: Contact Kirsten Donovan, rules coordinator, phone 360-664-9191, fax 360-664-9190, TTY 771, email [Kirsten.donovan@acb.wa.gov](mailto:Kirsten.donovan@acb.wa.gov), by October 16, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of accountancy proposes amending WAC 4-30-130 to (1) rename the rule; (2) eliminate the thirty day notification requirement for peer review; (3) require participation in the American Institute of Certified Public Accountants (AICPA) facilitated state board access (FSBA) program; and (4) correct reference numbers to various WAC sections and subsections where the numbers have changed or been eliminated.

Reasons Supporting Proposal: See purposes above.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

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

Name of Proponent: Board of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles E. Satterlund, CPA, 711 Capitol Way South, Suite 400, Olympia, WA 98501, 360-586-0785.

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 board of accountancy is not a listed agency under RCW 34.05.328 (5)(a)(i).

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. No additional costs are associated with a CPA firm's participation in the AICPA FSBA program.

July 31, 2019

Charles E. Satterlund, CPA  
Executive Director

AMENDATORY SECTION (Amending WSR 16-17-036, filed 8/9/16, effective 9/9/16)

**WAC 4-30-130 (~~What are the~~) Quality assurance review (QAR) requirements for licensed CPA firms(~~?~~).**

(1) **Purpose.** The Washington state board of accountancy is charged with protection of the public interest and ensuring the dependability of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental. The purpose of the QAR program, such as peer review, is to monitor licensees' compliance with audit, compilation, review, and other attestation standards. If the board becomes aware that a

firm's performance and/or reporting practices for audit, review, compilation, and other engagements covered by (~~statements on standards for attestation engagements~~) relevant recognized professional standards as delineated in WAC 4-30-048, may not be in accordance with (~~applicable~~) said professional standards, the board will take appropriate action to protect the public interest.

(2) **Peer review.** Generally, all firms licensed in Washington state offering and/or performing attest services (~~as defined by WAC 4-30-010(5),~~) or compilation services, as defined by WAC 4-30-010(~~(12)~~), or other professional services for which a report expressing assurance is prescribed by professional standards, are required to participate in a board-approved peer review program as a condition of renewing each CPA firm license under RCW 18.04.215 and WAC 4-30-114. However, certain exemptions are listed in subsection (~~(11)~~) (10) of this section. Board-approved peer review programs include:

(a) The inspection processes of the Public Company Accounting Oversight Board (PCAOB);

(b) Peer review programs administered by the American Institute of CPAs (AICPA)(~~;~~);

~~(c) Peer review programs administered by the Washington Society of CPAs (WSCPA); and~~

~~(d))~~ and/or their assigned administering entities (AE); and

(c) Other programs recognized and approved by the board.

(3) **Enrollment in peer review:** A licensed firm must enroll in a board-approved peer review program **before** issuing a report for each of the following types of service (~~or any other service the board determines~~):

(a) Compilation on historical financial statements;

(b) Review on historical financial statements;

(c) Audit report on financial statements, performance audit reports, or examination reports on internal controls for nonpublic enterprises;

(d) Other professional services subject to Statements on Standards for Attestation Engagements.

The schedule for the firm's peer review shall be established according to the peer review program's standards. The board does not require any licensee to become a member of any organization administering a peer review program.

(4) **Participation in peer review.** Every firm that is required to participate in a peer review program shall have a peer review in accordance with the peer review program standards.

(a) It is the responsibility of the firm to anticipate its needs for review services in sufficient time to enable the reviewer to complete the review by the assigned review date.

(b) Any firm that is dropped or terminated by a peer review program for any reason shall have twenty-one days to provide written notice to the board of such termination or drop and to request authorization from the board to enroll in another board-approved peer review program.

(c) In the event a firm is merged, otherwise combined, dissolved or separated, the peer review program shall determine which firm is considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.



(d) A firm choosing to change to another peer review program may do so only if there is not an open active peer review and if the peer review is performed in accordance with the minimum standards for performing and reporting on peer reviews.

(5) **Reporting requirements.** Every firm must provide the following information, along with the appropriate fees, with every application for renewal of a firm license by April 30th of the renewal year:

(a) Certify whether the firm does or does not perform attest services or compilation services as defined by WAC 4-30-010 ~~((5), (12))~~, or other professional services for which a report expressing assurance is prescribed by professional standards in Washington state;

(b) If the firm is subject to the peer review requirements, provide the name of the approved peer review program in which the firm is enrolled, and the period covered by the firm's most recent peer review;

(c) Certify the result of the firm's most recent peer review.

Failure to timely submit complete information and the related fee by the April 30th due date can result in the assessment of late fees. The board may waive late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

~~(6) ((A firm must notify the board within thirty days of the date the peer reviewer or a team captain advises the firm that a grade of pass with deficiencies or fail will be recommended. The notification must include the details of any required corrective action plan being recommended by the peer reviewer or team captain, and the planned date (or time period within which) the firm would intend to complete such remedial action or actions if the proposed corrective action plan is approved by the appropriate peer review acceptance committee.~~

~~Notwithstanding any extensions of time by the peer review program administrator, failure by the firm to meet its planned schedule for completing its specific corrective action plan required by the peer review program and/or timely pay for the peer review services can result in board action.~~

~~(7)) Documents required. ((A firm that has opted out of participating)) Any firm required to undergo peer review per subsection (2) of this section is required to participate in the AICPA Facilitated State Board Access (FSBA) ((program shall provide to the board copies of the following documents related to the peer review report:~~

~~(a) Peer review report issued;~~

~~(b) Firm's letter of response, if any;~~

~~(c) Letter of acceptance from peer review program;~~

~~(d) Recommended action letter from the peer review program, if any;~~

~~(e) A letter from the firm to the board describing corrective actions taken by the firm that relate to recommendations of the peer review program;~~

~~(f) Other information the firm deems important for the board's understanding of the information submitted; and~~

~~(g)) Other information the board deems important, may be requested for ~~((the))~~ understanding ~~((of))~~ the information submitted.~~

~~((8)) (7) Document retention.~~ RCW 18.04.390(4) and WAC 4-30-051~~((10))~~ (11) require a firm to retain audit and review records and documentation for a period of seven years after the firm concludes an audit or review of a client's financial statements.

~~((9)) (8) Extensions.~~ The board may grant an extension of time for submission of the peer review report to the board. Extensions will be determined by the board on a case-by-case basis.

~~((10)) (9) Verification.~~ The board may verify the certifications of peer review reports that firms provide.

~~((11)) (10) Exemption from peer review.~~

(a) Out-of-state firms that do not have a physical location in this state, but perform attest or compilation services in this state, and are otherwise qualified for practice privileges under RCW 18.04.195 (1)(a)(iii)(A) through (D) or (b) are not required to participate in the board's program if the out-of-state firm participates in a board-approved peer review program or similar program approved or sponsored by another state's board of accountancy.

(b) Firms that do not perform attest services ~~((as defined by WAC 4-30-010(5))~~ or compilation services, as defined by WAC 4-30-010~~((12))~~, or other professional services for which a report expressing assurance is prescribed by professional standards are not required to participate in a peer review program, and shall request exemption on each firm license renewal application.

(c) Firms that prepare financial statements **which do not require reports** under Statements on Standards for Accounting and Review Services (management use only compilation reports) and that perform no other attest or compilation services, are not required to participate in a peer review program; however, any such engagements performed by a firm that is otherwise required to participate in a peer review program shall be included in the selection of engagements subject to peer review.

~~((12)) (11) Quality assurance oversight.~~

(a) The board will:

(i) Annually appoint a compliance assurance oversight committee, and such other committees as the board, in its discretion deems necessary, to provide oversight of the administration of approved peer review programs in order to provide reasonable assurance that peer reviews are being conducted and reported on in accordance with the minimum standards for performing and reporting on peer reviews;

(ii) Consider reports from the compliance assurance oversight committee;

(iii) Direct the evaluation of peer review reports and related documents submitted by firms;

(iv) Determine the appropriate action for firms that have unresolved matters relating to the peer review process or that have not complied with, or acted in disregard of the peer review requirements;

(v) Determine appropriate action for firms when issues with a peer review report may warrant further action; and

(vi) Take appropriate actions the board, in its discretion, deems appropriate to carry out the functions of the quality assurance review program and achieve the purpose of the peer review requirement.

(b) The **compliance assurance oversight committee** shall conduct oversight of approved peer review programs at least semiannually to provide reasonable assurance that such programs are in compliance with the minimum standards for performing and reporting on peer reviews.

(i) The compliance assurance oversight committee's oversight procedures may consist of, but are not limited to:

(A) Attending the peer review program's report acceptance body (RAB) meetings during consideration of peer review documents;

(B) Observing the peer review program administrator's internal review of program and quality control compliance;

(C) Observing the peer review program's review of the administrator's process.

(ii) The compliance oversight assurance committee shall report to the board any modifications to approved peer review programs and shall make recommendations regarding the continued approval of peer review programs.

~~((13))~~ **(12) Remedies.** The board will take appropriate action to protect the public's interest if the board determines through the peer review process or otherwise that a firm's performance and/or reporting practices are not or may not be in accordance with applicable professional standards, the firm does not comply with peer review program requirements, or the firm does not comply with all or some of the reporting, remedial action, and/or fee payment requirements of subsection (5) of this section. The board's actions may include, but are not limited to:

(a) Require the firm to develop quality control procedures to provide reasonable assurance that similar occurrences will not occur in the future;

(b) Require any individual licensee who had responsibility for, or who substantially participated in the engagement(s), to successfully complete specific courses or types of continuing education as specified by the board;

(c) Require that the reviewed firm responsible for engagement(s) submit all or specified categories of its compilation or attest working papers and reports to a preissuance evaluation performed by a board-approved licensee in a manner and for a duration prescribed by the board. Prior to the firm issuing the reports on the engagements reviewed, the board-approved licensee shall submit to the board for board acceptance a report of the findings, including the nature and frequency of recommended actions to the firm. The cost of the board-approved preissuance evaluation will be at the firm's expense;

(d) Require the reviewed firm to engage a board-approved licensee to conduct a board-prescribed on-site field review of the firm's work product and practices or perform other investigative procedures to assess the degree or pervasiveness of nonconforming work product. The board-approved licensee engaged by the firm shall submit a report of the findings to the board within thirty days of the completion of the services. The cost of the board-prescribed on-site review or other board-prescribed procedures will be at the firm's expense; or

(e) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320.

(f) Absent an investigation the specific rating of a single peer review report is not a sufficient basis to warrant disciplinary action.

~~((14))~~ **(13)** The board may solicit and review licensee reports and/or other information covered by the reports from clients, public agencies, banks, and other users of such information.

## WSR 19-16-097

### PROPOSED RULES

### PUBLIC DISCLOSURE COMMISSION

[Filed August 1, 2019, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-12-082 and 19-11-124.

Title of Rule and Other Identifying Information: Concerning the efficient administration of campaign finance and public disclosure reporting and enforcement as well as the disclosure of contributions from political committees to other political committees. Amending Title 390 WAC to implement both chapter 428 (SHB 1195) and chapter 261 (ESHB 1379), Laws of 2019.

Hearing Location(s): On September 26, 2019, at 9:45 a.m., at the Public Disclosure Commission (PDC), 711 Capitol Way South, Suite 206, Olympia, WA 98504.

Date of Intended Adoption: December 5, 2019.

Submit Written Comments to: Sean Flynn, PDC, P.O. Box 40908, Olympia, WA 98504-0908, email [Pdc@pdc.wa.gov](mailto:Pdc@pdc.wa.gov), fax 360-753-1112, by September 24, 2019.

Assistance for Persons with Disabilities: Contact Jana Greer, phone 360-753-1111, fax 360-753-1112, email [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov), by September 24, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are being adopted in order to synchronize the rules with both chapters 428 and 261, Laws of 2019.

Reasons Supporting Proposal: The 2019 legislature passed SHB 1195 and ESHB 1379. In order to comply with the new laws Title 390 WAC must be amended, repealed and new sections added.

Statutory Authority for Adoption: RCW 42.17A.110(1).

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

Name of Proponent: PDC, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, 360-753-1111; Implementation and Enforcement: Barbara Sandahl, 711 Capitol Way South, Suite 206, Olympia, 360-753-1111.

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. PDC is not required to submit a cost-benefit analysis pursuant to RCW 34.05.328 (5)(b).

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; rule content is explicitly and specifically dictated by statute; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

August 1, 2019  
B. G. Sandahl  
Deputy Director

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-002 Mission and purpose of the public disclosure commission.** (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The passage of Initiative 134 in 1992 further expounded the purpose of the commission and the law.

(2) The duties, responsibilities and powers of the commission, and provisions for establishing the commission and appointing the members thereof, are set forth in chapter 42.17A RCW.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-007 Public disclosure commission—Description of organization.** (1) The public disclosure commission is a five-member commission appointed by the governor with the consent of the senate. The commission is assisted by a staff (~~(consisting of)~~, managed by an executive director (~~(and such other employees as are necessary)~~).

(2) Electronic communications to the commission should be sent to pdc@pdc.wa.gov. Mailings to the commission should be addressed as follows: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-010 Purpose of rules.** The purpose of these rules is to implement the provisions of chapter 42.17A RCW (~~(Initiatives 276 and 134)~~), referred to throughout as the act, by declaring the policies of the commission, particularly with regard to the interpretation and enforcement of the act by the commission.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-205 Definition—Consumable.** (~~(RCW 42.17A.005 (13)(a))~~) The definition of contribution in

the act excludes the actual cost of consumables furnished at a ticketed fund-raising event. This exclusion applies to the amount paid for food, beverages, preparation, catering or entertainment furnished at the event. For this purpose of (~~(RCW 42.17A.005)~~) the act and these rules, the term "consumable" includes the amount paid for food, beverages, event preparation, catering or entertainment cost furnished at the event.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-210 Definition—Contribution.** (1) The term "contribution" as defined in the act and used in these rules shall be deemed to include, among other things, furnishing services, property or rights on an unequal basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution is provided, it shall be reported at its fair market value per WAC 390-05-235 and, pursuant to RCW 42.17A.405 and 42.17A.410, the fair market value is the amount of the contribution to be allocated to the contributor in determining compliance with the contributor's contribution limit.

(2) **Duplicating political advertising.** The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee, is a contribution to the candidate or political committee.

(3) **Consulting with a (~~(state, local or judicial))~~ candidate.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, or the candidate's authorized committee or agent, is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, or the candidate's authorized committee or agent, when:

(a) Any arrangement, coordination, or direction by the candidate, or the candidate's authorized committee or agent, is given to the expending person prior to the publication, distribution (digital or otherwise), display or broadcast, of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that candidate or opposing one or more of that candidate's opponents; (~~(or)~~)

(b) An expenditure is made based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or the candidate's authorized committee or agent, with a view toward having an expenditure made; (~~(or)~~)

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the candidate's authorized committee; or

(d) An expenditure is made by or in consultation with any person who, during the twelve months preceding the

expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, or the candidate's authorized committee or agent. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, or the candidate's authorized committee or agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17A.005 and WAC 390-05-243.

(4) **Consulting with a caucus political committee.** An expenditure ~~((that does not qualify)), not otherwise qualifying~~ as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent, is a contribution to such caucus political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent, when:

(a) Any arrangement, coordination, or direction by the caucus political committee, its agent, or another political committee financed, controlled or operated by the caucus, is given to the expending person prior to the publication, distribution, display, or broadcast of political advertising or electioneering communications, or prior to an expenditure being made by that person supporting that caucus political committee, or one or more of the candidates supported by it, or opposing one or more of those candidates' opponents; ~~((☞))~~

(b) An expenditure is made based on information about the caucus political committee's plans, projects, or needs provided to the expending person by the caucus political committee, its agent, or another political committee financed, controlled, or operated by the caucus with a view toward having an expenditure made; ~~((☞))~~

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the caucus political committee or another political committee financed, controlled, or operated by the caucus; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the caucus political committee, its agent, or another political committee financed, controlled, or operated by the caucus. However, there is no presumption that an expenditure is made in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a caucus political committee or its agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17A.005 and WAC 390-05-243.

(5) **Consulting with a bona fide political party.** An expenditure ~~((that does not qualify)), not otherwise qualifying~~ as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party or its agent, is a contribution to such bona fide political party. An expenditure is presumed to be made in cooperation, consultation, concert or collabora-

tion with, or at the request or suggestion of a bona fide political party, when:

(a) Any arrangement, coordination or direction by the bona fide political party, its agent, or a political committee financed, controlled or operated by the party is given to the expending person prior to the publication, distribution, display, or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that bona fide political party, or one or more of the candidates supported by it, or opposing one or more of those candidates' opponents; ~~((☞))~~

(b) An expenditure is made based on information about the bona fide political party's plans, projects, or needs provided to the expending person by the bona fide political party or its agent with a view toward having an expenditure made; ~~((☞))~~

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the bona fide political party or a political committee financed, controlled, or operated by the bona fide political party; or

(d) An expenditure is made by, through, or in consultation with, any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the bona fide political party, its agent, or a political committee financed, controlled, or operated by the bona fide political party. However, there is no presumption that an expenditure is made in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of the bona fide political party, a political committee financed, controlled, or operated by a bona fide political party or their agents, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17A.005 and WAC 390-05-243.

(6) **Consulting with other political committees.** An expenditure made by a person in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a political committee is a contribution to such political committee. An expenditure is presumed to be made in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a political committee when:

(a) Any arrangement, coordination, or direction by the political committee, its agent, or another political committee financed, controlled, or operated by the committee is given to the expending person prior to the publication, distribution (digital or otherwise), display, or broadcast of political advertising, or prior to an expenditure being made by that person benefiting that political committee; ~~((☞))~~

(b) An expenditure is made based on information about the political committee's plans, projects, or needs provided to the expending person by the political committee or its agent with a view toward having an expenditure made; ~~((☞))~~

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the political committee or another political committee financed, controlled or operated by the committee; or

(d) An expenditure is made by, through, or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee, its agent, or another political committee financed, controlled, or operated by the committee. However, there is no presumption that an expenditure is made in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a political committee or its agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17A.005 and WAC 390-05-243.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-215 Receipt of a campaign contribution.** "Receipt" of a campaign contribution, as that term is used in the act and in these rules, shall be deemed to occur as follows:

(1) For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560, but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) For all other contributions, receipt shall be deemed to occur at the earliest date of the following:

(a) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson, or agent obtains possession of the contribution; ~~((or))~~

(b) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson, or agent is informed of the contribution, or becomes aware that the campaign, or in the case of an earmarked contribution, the intermediary or conduit ~~((s))~~ has possession of the contribution; or

(c) The date that the contribution becomes available for use by the candidate or committee.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-220 Definition—Consideration.** "Consideration" as that term is used in the act and in these rules shall be deemed to include anything of value promised ~~((or))~~, paid, or transferred in return for a person's property or services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-235 Definition—Fair market value.** (1) "Fair market value" as used in this act and in these rules means the amount of money which a purchaser willing, but not obliged, to buy would pay a seller willing, but not obliged, to sell, for property, goods, or services.

(2)(a) In reference to real property, "fair market value" or "value," as used in the act and in these rules is the ~~((amount~~

~~in cash which)) present cash value that~~ a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and ~~((which)) that~~ a well-informed seller, or lessor, willing but not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

(b) If, in determining "fair market value" or "value," the amount a buyer would pay and the amount a seller would accept would be based on varying standards, then the fair market value of the contribution shall be based on the amount the contributor would ordinarily accept for selling the property, rather than the amount the candidate or political committee would ordinarily pay. For example, if a contributor who sells property in the ordinary course of their business at a wholesale price donates such property to a candidate or political committee who would ordinarily pay the retail price as a consumer, then the fair market value of the contribution shall be the wholesale price.

(3)(a) Any person who donates an item for sale, raffle, auction or awarding at a fund-raising event is making a contribution to the recipient candidate or political committee in an amount equal to the fair market value of the item donated.

(b) Any person who buys a donated item makes a contribution equal in value to the difference between the purchase or auction price and the fair market value of the donated item.

(c) If the purchase or auction price is the same as the fair market value, the buyer's contribution is zero. If the purchase or auction price is less than the fair market value, the buyer's contribution is zero and the donor's contribution is reduced to the amount of the sale or auction price.

(4) The value of any in-kind contribution donated to any candidate or political committee subject to contribution limits pursuant to RCW 42.17A.405 or 42.17A.410 shall not, when combined with other contributions to that candidate or political committee, exceed the donor's applicable contribution limit as set forth in RCW 42.17A.405 or 42.17A.410. The value of an in-kind contribution donated as an exempt contribution to a bona fide political party committee or other political committee eligible to receive exempt funds is only subject to the limit imposed by RCW 42.17A.420.

(5)(a) Except as provided in WAC 390-16-207, if a person permits a candidate, a candidate's authorized committee, or a political committee to use the telephones of a business, union, organization or other entity without charge for the purpose of making local campaign-related calls, the telephone usage is an in-kind contribution and shall be valued at its fair market value or, if no fair market value is ascertainable, ~~((s))~~ one dollar per telephone per calendar day or part thereof.

(b) If ~~((toll))~~ calls are permitted with assessed charges, the ~~((toll))~~ charges are also an in-kind contribution unless the candidate, the candidate's authorized committee, or the political committee reimburses the person in full within thirty days of making ~~((the toll))~~ such calls.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-290 Political advertising definitions.** (1) "Mass communication," as that term is used in the act and in

these rules, means a communication, digital or otherwise, intended to reach a large audience through any of the following methods:

- (a) Advertising displays, newspaper advertising, billboards, signs;
- (b) Brochures, articles, tabloids, fliers, periodicals;
- (c) Radio or television presentations;
- (d) Sample ballots (see WAC 390-17-030);
- (e) Online or other electronic transmission methods;
- (f) One hundred or more letters, emails, text messages or similar communications that are identical or substantially similar in nature, directed to specific recipients, and sent within a thirty-day period; and

(g) Other mass means of disseminating political advertising, unless excluded by chapter 42.17A RCW or Title 390 WAC.

(2) "Online" means disseminating through a network of interconnected computers or devices, such as the internet or similar systems enabling electronic dissemination or exchange of communications. Examples include, but are not limited to, internet web sites, social media, and other digital platforms, emails, and text messages.

(3) "Political advertising" ~~((is defined under RCW 42.17A.005 to))~~ as that term is defined in the act and used in these rules includes a mass communication used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((4))~~ Political advertising does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, web site or blog, or on a radio or television broadcast where payment for the space or time is not normally required.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-300 Suspension of reporting requirements for small jurisdictions.** ~~((From the effective date of RCW 42.17A.135,))~~ The following reporting requirements ~~((are suspended))~~ do not apply in jurisdictions with fewer than ~~((one))~~ two thousand registered voters, as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW 42.17A.700 and WAC 390-24-010, 390-24-020 and 390-24-025;

(2) The L-5 public agency lobbying reports required by RCW 42.17A.635 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW 42.17A.205 through 42.17A.240 and 42.17A.425, and WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, and independent campaign expenditure reports (C-6) required for ballot issues by RCW 42.17A.255 and WAC 390-16-050 ~~((Provided, that reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:~~

~~((a) A certified "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters of the jurisdiction as of the date of the most recent gen-~~

~~eral election in the jurisdiction is filed with the commission; or~~

~~((b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.~~

~~If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order).~~

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-305 Petition for disclosure—Form.** ~~((+))~~ The registered voters of a jurisdiction where reporting requirements are suspended may petition the commission to reinstate the reporting requirements suspended in jurisdictions with fewer than two thousand registered voters, as provided under RCW 42.17A.135 and this section.

(1) The commission shall reinstate the reporting requirements in a jurisdiction with fewer than two thousand registered voters at its next regular or special meeting, if:

(a) A certified "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.

(2) If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports, and order such persons to file the required statements within thirty days of the commission order.

(3) A petition for disclosure shall be filed electronically using the means provided by the PDC, or if an electronic method has not been provided the petition shall be filed on legible, on 8-1/2 x 11" paper (and shall). The petition must include the following information:

(a) The name of the jurisdiction;

(b) A request that public disclosure be required;

(c) The names and addresses of all known candidates and ballot proposition committees in the jurisdiction who will be required to report;

(d) The legibly printed name and address and the legal signature of at least fifteen percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.

~~((2))~~ (4) The petition shall be verified and certified by the auditor or elections officer of the county or counties in which the jurisdiction is located. The signatures shall be verified by comparing the signatures on the petition to the signatures on the voter registration roll. The auditor shall place ~~((his))~~ the auditor's seal on each verified page of the petition in order to certify it to the commission.

~~((3))~~ (5) A suggested form for petition is:

"We, the undersigned citizens and registered voters of (name of jurisdiction), request that the Public Disclosure Commission order disclosure in (name of jurisdiction)."

~~((4))~~ (6) A suggested form for the petition of a jurisdiction by ordinance, resolution or other official action is:

"We, the (governing board) of (name of jurisdiction) request that the Public Disclosure Commission order disclosure in (name of jurisdiction). This request is made pursuant to RCW 42.17A.135 and WAC 390-05-305."

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-400 Changes in dollar amounts.** Pursuant to the ~~((requirement))~~ authority in RCW 42.17A.125 that the commission ~~((biennially))~~ may revise the ~~((dollar amounts found in Initiative 134 and RCW 42.17A.410))~~ monetary contribution limits and reporting thresholds and code values of the act to reflect changes in economic conditions, the previous and current amounts are:

Code Section	Subject Matter	Previous	Current
.005	<del>((Definition of))</del> <u>Reporting threshold for "Independent Expenditure" for political advertising</u>	\$950	<del>((*))</del> <u>\$1,000</u>
<u>.255</u>	<u>Reporting threshold for "Independent Expenditure" not otherwise reported</u>	<u>\$100</u>	<u>\$100</u>
.445(3)	Reimbursement of candidate for loan to own campaign	\$5,500	\$6,000
.630(1)	Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures	\$19,000  \$950	\$20,000  \$1,000
.405(2)	Contribution Limits— Candidates for state leg. office Candidates for county office Candidates for other state office Candidates for special purpose districts Candidates for city council office Candidates for mayoral office Candidates for school board office Candidates for hospital district	\$950 \$950 \$1,900 \$1,900 \$950 \$950 \$950 \$950	\$1,000 \$1,000 \$2,000 \$2,000 \$1,000 \$1,000 \$1,000 \$1,000
.405(3)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office	  \$950 \$1,900	  \$1,000 \$2,000
.405(4)	Contribution Limits— Contributions made by political parties and caucus committees State parties and caucus committees County and leg. district parties Limit for all county and leg. district parties to a candidate	  .95 per voter .50 per voter .50 per voter	  \$1.00 per registered voter .50 per registered voter .50 per registered voter

Code Section	Subject Matter	Previous	Current
.405(5)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall State parties and caucuses County and leg. district parties Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	.95 per voter .50 per voter .50 per voter	\$1.00 per registered voter .50 per registered voter .50 per registered voter
.405(7)	Limits on contributions to political parties and caucus committees To caucus committee To political party	\$950 \$5,000	\$1,000 \$5,500
.410(1)	Candidates for judicial office	\$1,900	\$2,000
.475	Contribution must be made by written instrument	\$95	\$100
.710	<u>Code values for statement of personal financial affairs - See WAC 390-24-301</u>		

((\*) Chapter 304, Laws of 2018 amended the definition of independent expenditure, changing the dollar threshold element of that definition to one-half the contribution limit from an individual per election.))

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-505 Electioneering communication exclusions.** ~~((+))~~ "Electioneering communication," as ~~((used))~~ defined in the act and used in these rules, does not include communications ~~((listed in RCW 42.17A.005 (22)(b)).~~

~~(2) "Electioneering communication" also does not include:~~

~~(a) Letters to the editor or comparable communications to news media described in RCW 42.17A.005 (22)(b)(iii);~~

~~(b) Communications conveyed through web sites, emails, telephone calls, or in-person leaflet/pamphlet drops at street addresses; or~~

~~(c) Communications conveyed in a manner not specified in RCW 42.17A.005(22)) expressly excluded from the definition in the act, such as communications conveyed through web sites, emails, telephone calls, or in-person leaflet/pamphlet drops at street addresses.~~

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-507 Definition—Funding sources for electioneering communications.** (1) "Source of funds" for purposes of reporting a payment of promise to pay for an electioneering communication means a person who contributes anything of value for the communication, including a loan, gift, advance, payment, pledge, or personal or professional services for less than full consideration.

(2) Goods, services, property or rights other than money or its equivalent are deemed to have a monetary value equivalent to their fair market value.

~~((3) "Source of funds" does not include those things of value specified in RCW 42.17A.005 (16)(a)(i).))~~

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-515 ((Member-)) Exclusion from contributions, independent expenditures, and electioneering communications—Communications within membership organizations.** (1) In determining whether ~~((a))~~ an organization's political communications ~~((is to a "member" as that term is used in RCW 42.17A.005 and 42.17A.255, and for the purposes of RCW 42.17A.405, 42.17A.410 and 42.17A.420:~~

~~((+)) are limited to its "members" for purposes of communications that are excluded from the definitions of a contribution, independent expenditure, or electioneering communication, as provided in RCW 42.17A.005 of the act and used in these rules, the commission will examine whether the organization is a legitimate membership organization with common interest goals and objectives, taking into account such factors as the organization's permanence, structure and ~~((whether it has))~~ formal organizing documents, membership criteria, and services it provides its members. An organization will not be considered a membership organization if it is primarily a commercial entity or for-profit entity selling products to customers even though it may refer to its customers as "members."~~



(2) With respect to the status of members of an organization, the commission will examine whether a valid, active relationship exists between the organization and its members or classes of members for purposes other than influencing the outcome of an election, taking into account ~~((such factors as))~~:

~~(a) Whether the members affirmatively accept membership ~~((and))~~;~~

~~(b) The rights and obligations conferred on members by the organization, including whether members have the right to vote for:~~

~~((a)) (i) Election of directors or officers; ~~((or~~~~

~~(b)) (ii) Changes to the articles or bylaws; or~~

~~((c)) (iii) The disposition of all or substantially all of the assets of the organization or on a merger or dissolution~~((:))~~; and~~

~~(c) A required payment of a predetermined amount of membership dues ~~((is also a factor; however, an organization will not be considered a membership organization if it is primarily a commercial entity or for-profit entity selling products to customers even though it may refer to its customers as "members."))~~.~~

(3) If ~~((a membership))~~ an organization and its members satisfy the criteria regarding "membership associations" and "members" established by the Federal Election Commission (FEC) in 11 C.F.R. Sec. 100.134 (e)-(g), the commission will consider ~~((the organization and its members as qualifying for the exemption in RCW 42.17A.005 (16)(b)(v) and (22)(b)(vii), unless the communication was not sent primarily to members. However,))~~ these FEC criteria ~~((are not the only))~~ as indicators of legitimate membership organizations or valid members ~~((, a determination that will be made by the commission on a case by case basis as necessary))~~.

(4) In determining whether an internal political communication is "primarily" limited to the members of an organization or political committee, the commission will consider whether any distribution to nonmembers is incidental and isolated.

#### NEW SECTION

**WAC 390-05-518 Definition—Nonreimbursed public office related expense.** A "nonreimbursed public office related expense" is an expenditure incurred by an elected or appointed official, or a member of the official's immediate family, solely because of being an official.

AMENDATORY SECTION (Amending WSR 13-12-017, filed 5/24/13, effective 6/24/13)

**WAC 390-05-520 Definition—Periodical.** For electioneering communications and other political advertising, "periodical" means a digital or paper publication ~~((on paper))~~ that is serial in nature and appears or is intended to appear indefinitely, issued regularly or at stated intervals at least once every three months. ~~((For all other political advertising, "periodical" means a publication that is serial in nature and appears or is intended to appear indefinitely, issued regularly or at stated intervals at least once every three months.))~~

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-05-525 Definition—Public service announcement.** (1) "Public service announcement," as used in the act and in these rules, means a communication that ~~((meets))~~ is all of the following ~~((criteria. The communication is))~~:

(a) Designed to benefit or promote the community's health, safety or welfare or nonprofit community events;

(b) Not selling a product or service;

(c) Sponsored by an organization with a history of routinely providing the community such outreach public service messages in the service area of the organization;

(d) Of primary interest to the ~~((general))~~ public and is not targeted to reach only voters or voters in a specific jurisdiction;

(e) Not coordinated with or controlled or paid for by a candidate's authorized committee or political committee;

(f) Subject to the policies for public service announcements of the entity broadcasting, transmitting, mailing, erecting, distributing, digitally communicating, or otherwise publishing the communication including policies regarding length, timing and manner of distribution; and

(g) One for which the arrangements to include a reference or depiction of the candidate or candidates in the communication were made at least six months before the candidate became a candidate.

(2) Examples of public service announcements include but are not limited to communications regarding nonprofit community events, outreach, or awareness activities.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-05-195 Date of receipt of mailed items.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-001 Campaign finance disclosure.** Pursuant to chapter 42.17A RCW, candidates, political committees and other persons participating in elections are subject to reporting requirements with the public disclosure commission. This chapter provides information on how to meet those requirements. To provide the public with full and immediate disclosure, electronic filing is ~~((preferred and sometimes))~~ required where the commission has provided an electronic filing method. The executive director may waive the electronic filing requirement and allow for the use of another written format on the basis of hardship. Links to electronic filing systems, forms and the instructions for filing can be found on the PDC web site.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-011A Sponsored political committee.** (1) "Sponsored political committees," "sponsors of political

committees," and "authorized committees," as those terms are used in the act and these rules, are defined in RCW 42.17A.005. This rule applies to political committees that are not authorized by a candidate, or by the public official against whom recall charges have been filed.

(2) A sponsored political committee shall include on its C-1pc the name of at least one sponsor in the committee's name.

(3) ~~((To determine if a political committee))~~ For purposes of determining whether a political committee is sponsored, as defined in RCW 42.17A.005, by having received eighty percent or more of its contributions from a person or from the person's members, officers, employees, or shareholders ((under RCW 42.17A.005(46))), the political committee organized to support or oppose a particular candidate or ballot proposition shall consider all contributions received by the committee in the previous twelve months.

(4) A sponsored political committee must amend its C-1pc sixty days before an election in which it participates if the committee's name on its most recently filed C-1pc does not include at least one current sponsor. To determine if the committee received eighty percent or more of its contributions from a person or from the person's members, officers, employees, or shareholders ~~((under RCW 42.17A.005(46)))~~ at the time of the amendment:

(a) A political committee not organized to support or oppose a particular candidate or ballot proposition shall consider all contributions received in the previous twelve months through the date of filing the amended C-1pc.

(b) A committee organized to support or oppose a particular candidate or ballot proposition shall consider all contributions received from the time the committee was organized or filed its initial C-1pc, whichever is earlier.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-037 Purpose of campaign expenditures—How to report.** (1) Any person required to report the "purpose" of an expenditure under RCW 42.17A.240(6), or 42.17A.255 (5)(b), shall identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17A.205 (2)(f) and (g);

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report shall describe in detail that agreement or understanding and the goods and/or services to be provided.

Example A: If an expenditure is made directly to a vendor for get-out-the-vote (GOTV) phone calls or robocalls, the purpose shall include the following details:

Vendor Name	Purpose	Amount
ABC Robocall	GOTV—phone bank 28th and 29th Legislative districts	\$1,000

Example B: If an expenditure is made directly to a vendor for printing, the purpose shall include the following details:

Vendor Name	Purpose	Amount
ABC Printing	5,000 brochures	\$3,000

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-042 Debts and obligations—Contingent liabilities—How to report.** (1) Pursuant to RCW 42.17A.240 and 42.17A.005, "promise," "promise to pay," "debt" and "obligations" mean:

(a) Any oral or written order or agreement placed for goods, services, or anything else of value;

(b) Any offer to purchase advertising space, broadcast time, or other written, broadcast or digital advertising-related product or service;

(c) Any contractual contingent liability; or

(d) Provided that the amount of the debt or obligation in (a), (b), or (c) of this subsection owed to a vendor is more than seven hundred fifty dollars, and the vendor has not been paid in full for the goods received, invoices submitted, or services performed within the time periods specified below:

(i) For reports due within thirty days of an election, debts or obligations of more than seven hundred fifty dollars must be reported if the debt or obligation has been outstanding for more than five business days as of the last day of the reporting period.

(ii) For reports due during any other reporting period, debts or obligations of more than seven hundred fifty dollars must be reported if the debt or obligation has been outstanding for more than ten business days as of the last day of the reporting period.

(2) A contractual contingent liability (e.g., an additional fee to be paid to a political consultant or other person conditioned upon the candidate winning the election) is reportable as a debt or obligation from the time the contract or agreement is entered into until the liability is voided, paid or otherwise satisfied.

(3) Regularly recurring expenditures, of the same type and same or similar amount that have been reported at least once, need not be reported as debt unless they are past due as of the last day of the reporting period. Examples of recurring obligations that can be reported as recurring expenditures rather than debt include rent, utilities, insurance, cellular phone costs, and payments to campaign staff.

~~((4) There is no requirement for a candidate or political committee to report any debt owed by a third party such as a consultant or vendor provided that the obligation or expenditure to the third party has already been reported by the candidate or political committee.))~~

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-043 Candidates and political committees—Public inspection of books of account.** (1) RCW 42.17A.005 defines "books of account" for candidates and political committees as "a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day."

(2) RCW 42.17A.225 and 42.17A.235 require that candidates and political committees participating in an election as defined in RCW 42.17A.005, must make their books of account available for public inspection. The public inspection of books of account is not intended to be an exhaustive audit of all contributions received and expenditures made.

(3) Any individual who requests to publicly inspect the books of account of a candidate or political committee, must make the request during the period beginning ten calendar days before a primary, general, or special election, by contacting the filer's email address listed on the C-1 report for a candidate, or the C-1pc report for a political committee.

(4) The inspection of the books of account may occur on weekdays, unless the treasurer for the candidate or committee agrees otherwise, beginning on the eighth day before the election, excluding legal holidays, for at least two consecutive hours between 9:00 a.m. and 5:00 p.m. at a location that is agreed upon by the treasurer and the individual requesting the inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office. However, if the treasurer is located out-of-state, the default location must be within the state of Washington and reasonably accessible to both parties. The inspection must be allowed within forty-eight hours of the date and time the request was made at the agreed-upon location, provided that if the request is not made by 3:00 p.m. on the third day preceding an election, the candidate or political committee need only make best efforts to accommodate the request.

(5) The treasurer for the candidate or committee may make the books of account available electronically, in lieu of scheduling an in-person inspection, or if a location cannot be agreed upon by both parties. If the campaign's only copy of its books of account is maintained electronically with security protections, the person requesting the inspection must be given sufficient instruction to allow the inspection to proceed.

(6) The books of account, ledger and other supporting documentation must be maintained by the treasurer and kept current within one business day. The books of account of a candidate or political committee include the following: A ledger, spreadsheet, or similar listing of contributions, expenditures, loans, debts and obligations to substantiate the information disclosed on the PDC campaign finance reports. ~~((If a ledger is not sufficiently kept,))~~ The books of account must include the underlying source documents such as receipts, invoices, copies of contribution checks, copies of canceled checks for expenditures, notes or other documentation con-

cerning expenditures, orders placed, and loans. ~~((In the absence of those types of source documents, the campaign or committee must make the check register available.))~~ The campaign or committee is not required to provide the name and address of contributors who gave twenty-five dollars or less in the aggregate in total contributions.

(7) The candidate or political committee is not required to make copies of its books of account for the requestor. ~~((Videotaping))~~ Videorecording, photographing, or photocopying of the records is not required to be permitted but may be agreed to by both parties during or in advance of the inspection.

(8) At the time of making the appointment, the person requesting to inspect the books of account must provide the name(s) and contact information for all individuals who will be in attendance for the inspection. The requestor(s) must show photo identification prior to the inspection beginning, and the candidate or political committee may deny the inspection from occurring if photo identification is not provided.

(9) The records required by this section shall be available for audit or examination by the PDC at any time upon request from the PDC.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-058 Independent expenditure—Definition and application.** (1) "Independent expenditure," as that term is used in chapter 42.17A RCW and in these rules, except RCW 42.17A.255, means an "expenditure" as defined in RCW 42.17A.005 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for public office subject to the filing requirements in chapter 42.17A RCW, by a person who is not:

(i) A candidate for that office;

(ii) An authorized committee of that candidate for that office;

(iii) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office.

(b) It is made in support of any or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(c) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name;

(d) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value ~~((equal to or greater than one-half the contribution limit from an individual per election))~~ of one thousand dollars or more. A series of expenditures, each of which is under ~~((one-half the contribution limit from an individual per election))~~ one

thousand dollars, constitutes one independent expenditure if their cumulative value is ~~((equal to or greater than one-half the contribution limit from an individual per election))~~ one thousand dollars or more; and

(e) The expenditure is not a contribution as defined in RCW 42.17A.005 and ~~((clarified by))~~ provided in WAC 390-05-210.

(2) Exempt activities. The following activities are not considered independent expenditures for purposes of RCW 42.17A.255, 42.17A.630, or 42.17A.320:

(a) Ordinary home hospitality;

(b) A news item, feature, commentary, or editorial, or communications with journalists or editorial staff designed to elicit the same, in a regularly scheduled news medium that is of ~~((primary))~~ interest to the ~~((general))~~ public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(c) Participation in the creation of a publicly funded voters' pamphlet statement in written or video form;

(d) An internal political communication primarily limited to:

(i) The members of or contributors to a political party organization or political committee;

(ii) The officers, management staff or stockholders of a corporation or similar enterprise; or

(iii) The members of a labor organization or other membership organization.

(e) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or the property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution at its fair market value and counts toward any applicable contribution limit of the person providing the facility; or

(f) The rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid by the worker.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-059 Electioneering communication reporting threshold.** (1) A "sponsor" of an electioneering communication is defined in RCW 42.17A.005~~((46))~~.

(2) For the purposes of RCW 42.17A.005~~((22))~~, an electioneering communication is reportable by the sponsor to the commission when the communication, alone or in combination:

(a) Identifies the same candidate in one or more communications satisfying RCW 42.17A.005 ~~((22))~~ (21)(a)(i) and (ii) or these rules;

(b) Is made by the same sponsor of one or more of the communications;

(c) When it, either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair

market or aggregate value of one thousand dollars or more; and

(d) Is not a communication ~~((exempted from reporting))~~ excluded from the meaning of "expenditure" under RCW 42.17A.005~~((23))~~ or ~~((commission))~~ by these rules.

(3) When the ~~((electioneering communication or))~~ communications (including radio ~~((or))~~, television ~~((transmissions))~~, electronic, mailings, billboards, newspapers ~~((and/or))~~, online, or periodicals) reach the one thousand dollar threshold, the sponsor shall ~~((electronically))~~ report to the commission as required by RCW 42.17A.305 within twenty-four hours of, or on the first working day after, the date the ~~((electioneering))~~ communication is first broadcast, transmitted electronically, erected, distributed, published online or by other media, or otherwise ~~((published))~~ presented to the public.

(4) Once the one thousand dollar threshold is reached, all subsequent electioneering communications by the sponsor identifying the same candidate are reportable as provided in RCW 42.17A.305 and this rule.

(5) When more than one sponsor pays for the electioneering communication, the entire fair market value of the communication is attributable to all sponsors. All sponsors of the same communication are responsible for reporting once the one thousand dollar threshold is met. A failure to report by one joint sponsor is not attributable to all joint sponsors of a specific communication or communications if the remaining sponsors have reported properly.

(6) Consistent with WAC 390-16-060 and the requirements of the PDC ~~((Form))~~ C-6 Report, a prorated portion of independent expenditure and electioneering communications expenditures shall be attributed to each candidate or ballot proposition identified in the advertisement or communication. That proration shall be based on a reasonable, good faith estimate of the value of the portion of the advertisement or communication relating to each candidate or proposition identified.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-063 Additional information regarding independent expenditures and C-6 report filing.** (1) RCW 42.17A.255 requires a person not otherwise subject to the disclosure requirements of chapter 42.17A RCW to disclose an independent expenditure of one hundred dollars or more that supports or opposes a candidate or ballot measure. RCW 42.17A.260 requires the disclosure of political advertising with a fair market value of one thousand dollars or more that is presented to the public within twenty-one days of an election, that supports or opposes a ~~((candidate or ballot measure; and))~~ ballot proposition, or that qualifies as an independent expenditure and supports or opposes a candidate.

(a) **Prorating and attributing independent expenditures that support or oppose multiple candidates or ballot measures.** Whether to disclose an independent expenditure that supports or opposes multiple candidates or ballot measures is determined by prorating and attributing the cost of the expenditure among all candidates or ballot measures that

are the subject of the expenditure. Disclosure is required when:

(i) The pro rata cost for a single candidate or ballot measure reaches or exceeds the statutory threshold and none of the subject candidates are seeking election to the same office and none of the subject ballot measures are competing measures; or

(ii) The sum of the pro rata costs attributable to all candidates seeking election to the same office or the sum of the pro rata costs attributable to competing ballot measures reaches or exceeds the statutory threshold.

Example 1 (prorating): A mailer/postcard supports one candidate and one ballot measure at a total cost of \$3,200. One side of the postcard is entirely devoted to the ballot measure. The other side is split evenly between the candidate and the ballot measure. The ballot measure's pro rata share is \$2,400 (75%) and the candidate's pro rata share is \$800 (25%).

Example 2 (prorating and attributing): An independent expenditure ad appears in the newspaper two weeks before the election. The ad costs \$1,000; 50% of the ad supports a candidate and the other 50% opposes the candidate's opponent. The independent expenditure is disclosed under RCW 42.17A.260 because the sum of the pro rata share for the two candidates who seek the same office is \$1,000.

(b) **Disclosing independent expenditures that support or oppose multiple candidates or ballot measures.** When a pro rata, attributable cost reaches or exceeds the statutory threshold, the entire independent expenditure must be disclosed. Include the amounts attributable to all candidates and ballot propositions supported or opposed by the expenditure.

(c) **Other applications of prorating and attributing independent expenditures.** Use the prorating and attribution steps explained in (a)(i) and (ii) of this section to determine when an independent expenditure as defined in RCW 42.17A.005 must comply with the "no candidate authorized this ad" sponsor identification and, if applicable, the "top 5" contributors required by RCW 42.17A.320 and WAC 390-18-010.

(2) A political committee reporting pursuant to RCW 42.17A.225, 42.17A.235 and 42.17A.240 is exempt from providing on a C-6 form the sources of any funds received by the committee for an electioneering communication, unless the committee received funds that were earmarked or otherwise designated for the communication.

(3) An out-of-state political committee shall report pursuant to RCW 42.17A.305 if it sponsors an electioneering communication defined in RCW 42.17A.005.

(4) The sponsor of an electioneering communication shall report pursuant to RCW 42.17A.305 and these rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW 42.17A.005 or 42.17A.255. Persons in compliance with this subsection are deemed in compliance with RCW 42.17A.255 or 42.17A.260.

(5) Any person making an expenditure that is reportable under RCW 42.17A.640, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW 42.17A.005, shall file pursuant to RCW

42.17A.305 and these rules regarding electioneering communications.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-071 Annual report of major contributors and persons making independent expenditures.** RCW 42.17A.630 requires that:

(1) Any person, other than an individual, must file with the commission an annual "Special Political Expenditures" report, if the person:

(a) ~~((who))~~ Made contributions to any state office candidates ~~((and))~~ or statewide ballot proposition committees totaling more than the aggregate amount during the preceding calendar year for contributions referenced in WAC 390-05-400~~((;))~~; or

(b) ~~((who))~~ Made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than the aggregate amount during the preceding calendar year for independent expenditures on political advertising, referenced in WAC 390-05-400~~((; shall file with the commission an annual report))~~. ~~((This))~~

(2) The report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17A.630 or of a candidate's authorized committee or a political committee, provided the information has been properly reported pursuant to RCW 42.17A.235 and 42.17A.240.

~~((2) The report is entitled)~~ (3) The "Special Political Expenditures" ~~((and))~~ report is designated "C-7."

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-105 Mini campaign reporting—Eligibility.** (1) A candidate or candidate's authorized committee, as those terms are defined in ~~((RCW 42.17A.005))~~ the act and these rules, is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240, except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125, if the committee selects the mini reporting option on its registration and meets both of the following conditions:

(a) Neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed five thousand dollars; and

(b) No contribution or contributions from any person other than the candidate exceed five hundred dollars in the aggregate. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW 42.17A.005, is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240, except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125, if the committee selects the mini reporting option on its registration and meets both of the following conditions:

(a) Neither aggregate contributions nor aggregate expenditures exceed five thousand dollars; and

(b) No contribution or contributions from any person exceed five hundred dollars in the aggregate.

(3) A continuing political committee, as that term is defined in ~~((RCW 42.17A.005))~~ the act and these rules, is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240, except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125, if the committee selects the mini reporting option on its registration and meets both of the following conditions:

(a) Neither aggregate contributions nor aggregate expenditures during a calendar year exceed five thousand dollars; and

(b) No contribution or contributions from any person exceed five hundred dollars in the aggregate.

(4) A candidate or political committee that exceeds one or both of the thresholds set out in either subsection (1), (2), or (3) of this section after registering as a mini reporting campaign shall no longer qualify for the mini reporting option and shall comply with the provisions of chapter 42.17A RCW ~~((s))~~ including, but not limited to, disclosure of contributions and expenditures, disclosure of last minute contributions, applicable contribution limits, false political advertising, sponsor identification and public inspection of campaign books of account.

(5) Candidates and political committees eligible for mini campaign reporting are required to comply with all applicable provisions of chapter 42.17A RCW including, but not limited to, false political advertising, sponsor identification and public inspection of campaign books of account unless specifically exempted under subsections (1) through (3) of this section.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-115 Mini campaign reporting—Registration and recordkeeping.** The exemptions allowed in WAC 390-16-105 shall be granted to a candidate or political committee, including a continuing political committee, only upon compliance with the following conditions:

(1) A candidate shall file a C-1 registration with the commission within fourteen days of first:

(a) Receiving contributions, making expenditures, reserving space or facilities or purchasing commercial advertising space or broadcast time to promote his or her candidacy;

(b) Giving ~~((his or her))~~ the candidate's consent to another person to take any of the action in (a) of this subsection on behalf of the candidate ~~((any of the action in (a) of this subsection))~~; or

(c) Announcing publicly or filing a declaration of candidacy with the appropriate elections official.

(2) A political committee shall file a C-1pc registration with the commission within fourteen days after its organization or after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier.

(3) The statement filed under subsections (1) and (2) of this section shall declare that the political committee will not

exceed the contribution or expenditure limits set out in WAC 390-16-105.

(4) In addition to complying with subsections (2) and (3) of this section, a continuing political committee shall also file a C-1pc between January 1st and January 31st for each year in which the committee intends to use the mini reporting system. Failure to file a new registration statement during January will automatically terminate the committee's entitlement to use the mini reporting system until such time as a new C-1pc is filed.

(5) A candidate or political committee using the mini reporting option shall keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17A.205 through 42.17A.240 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution or expenditure limitation pursuant to the provisions of WAC 390-16-125.

(6) The candidate or political committee treasurer shall comply with the requirements for public inspection of campaign books pursuant to WAC 390-16-043.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-125 Mini campaign reporting—Exceeding limitations.** (1) A candidate or political committee wishing to change from mini to full reporting must apply ~~((in electronic writing))~~ electronically to the PDC for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW 42.17A.225 through 42.17A.240;

(b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17A.240 for the election campaign, or in the case of continuing political committees, for the calendar year; and

(c)(i) If the applicant is a candidate, a statement affirming that all candidates registered with the PDC for the office being sought have been notified personally in writing of the application, and the manner and date of such notification;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally in writing of the application, and the manner and date of such notification; or

(iii) If the applicant is the treasurer of a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally in writing of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) of this section is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application

will be determined to be complete on the date the documents are received by the commission.

(3) If a complete application is received by the PDC on or before August 31st for the general election or thirty business days prior to the date of other elections, the executive director will approve the application.

(4) If a complete application is received by the commission after the deadlines set out in subsection (3) of this section, the executive director will approve the application only if one or more of the following factors are present:

(a) The applicant is a candidate and, after the application deadline, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(b) After the application deadline, an independent expenditure as defined in RCW 42.17A.005 is made in support of the applicant's opponent or in opposition to the applicant; or

(c) When a candidate or political committee on one side of an election campaign or proposition has been approved to change reporting options under this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent's complete application is received by the PDC.

(5) The executive director may approve an application to change reporting options after the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 have been exceeded only if the applicant:

(a) Meets the deadlines provided in subsection (3) of this section;

(b) Acknowledges the violation and demonstrates compliance with WAC 390-16-105(4); and

(c) Takes any other action required by the PDC to address the violation.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-230 Surplus campaign funds—Use in future.** (1) If after the last day of the election cycle for candidates as defined in RCW 42.17A.005 any contribution is received or an expenditure is made from surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or political committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at (~~his or her~~) the candidate's last election. Within fourteen days of the day such contribution is received or expenditure is made, such candidate or political committee shall file (a) a final report for the previous campaign as provided in RCW 42.17A.235 and 42.17A.240; and (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17A.205, 42.17A.235 and 42.17A.240. The surplus funds may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." All augmentations to and all expenditures made from the retained surplus funds after the last day of the election cycle shall be reported in detail as to source, recipient, purpose, amount and date of each transaction.

(2) For candidates as defined in RCW 42.17A.005, if at any time after the last day of the election cycle, any contribution is received or expenditure is made from such surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or authorized committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at (~~his or her~~) the candidate's last election. Within fourteen days of the day such contribution is received or expenditure is made, such candidate or authorized committee shall file (a) a final report for the previous campaign as provided in RCW 42.17A.235 and 42.17A.240; and (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17A.205, 42.17A.235 and 42.17A.240. The surplus funds as of the last day of the election cycle may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." "Funds from previous campaign" carried forward by a candidate to (~~his or her~~) the candidate's new campaign are not subject to contribution limits set forth in RCW 42.17A.405.

(3) A political committee formed to support or oppose a particular ballot proposition or particular candidates which retains surplus funds to use in support or opposition of other candidates or of other ballot propositions has become a continuing political committee and must thereafter register and report in accordance with chapter 42.17A RCW.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-238 Personal use of contributions—Standard.** (1) Except as specifically allowed by chapter 42.17A RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW 42.17A.445.

(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign.

(3) If an activity or expenditure is both personal and campaign-related, the campaign may pay no more than the fair market value of its share of the activity or expenditure. For example, if a candidate incurs costs for child care, the campaign may reimburse the candidate only for any portion of the expense that occurred directly as a result of the candidate's campaign activities. Also, if a candidate uses a personal vehicle for campaign purposes, the campaign may reimburse the candidate for:

(a) The prorated share of documented gasoline, maintenance and insurance costs directly related to the campaign's usage of the vehicle; or

(b) The standard mileage rate established by the Internal Revenue Service for those documented miles directly related to the campaign's usage.

(4) Examples of expenditures presumed to be for personal use include, but are not limited to:

- (a) Mortgage, rent, utility, telephone, or maintenance expenses for personal living accommodations;
- (b) Clothing purchases and maintenance expenses not related to the campaign;
- (c) Automobile expenses not related to the campaign;
- (d) Travel expenses not related to the campaign;
- (e) Household food items;
- (f) Restaurant expenses except for in-person fund-raising or campaign organizational activities;
- (g) Tuition payments not related to the campaign;
- (h) Admission to sporting events, concerts, theaters, or other forms of entertainment unless the event is primarily related to the candidate's campaign;
- (i) Club membership fees, dues and payments;
- (j) Health club or recreational facility membership fees, dues and payments;
- (k) Social, civic, (~~fraternal~~) or professional membership dues, fees and payments unless the expenditure occurs during an election year and membership is required to gain access to the organization's mailing list for campaign purposes or other facilities for the candidate's campaign;
- (l) Home or business internet service provider costs;
- (m) Home or business newspaper and periodical subscriptions;
- (n) Greeting cards to persons who would customarily receive such cards (e.g., family, friends and business associates).

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-310 Limitations on contributions.** The limitations on contributions as provided in RCW 42.17A.420, 42.17A.405, and 42.17A.410 shall be as follows:

(1)(a) The limitation on contributions in RCW 42.17A.405 or 42.17A.410 shall not apply to a "candidate" as that term is defined in RCW 42.17A.005 when the candidate is contributing to ~~((his or her))~~ the candidate's own campaign using ~~((his or her))~~ the candidate's own personal funds as defined in WAC 390-17-305.

(b) The limitation on contributions in RCW 42.17A.420, 42.17A.405, or 42.17A.410 shall apply to contributions to the candidate from the candidate's spouse, domestic partner or other immediate family members.

(2) Contributions by spouses are considered separate contributions. Contributions by domestic partners are considered separate contributions.

(3) Emancipated minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions and the contribution is properly attributed to the emancipated minor child if:

(a) The decision to contribute is made knowingly and voluntarily by the emancipated minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the emancipated minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

Contributions by emancipated minor children which do not meet these requirements and contributions by unemancipated minor children shall be considered contributions by the child's parents. Fifty percent of the contributions will be attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to that parent.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under RCW 42.17A.420, 42.17A.405, or 42.17A.410.

(5) The limitations on contributions shall apply separately to the contributions made by a partnership, limited liability partnership and limited liability corporation from the contributions made by an individual partner or member. However, contributions made from or charged against the capital account of an individual partner, or member of a limited liability partnership or limited liability corporation shall be aggregated with the partner's or member's individual contributions for purposes of determining the limitations on contributions under RCW 42.17A.420, 42.17A.405, or 42.17A.410.

(6) The limitations on contributions in RCW 42.17A.420, 42.17A.405, and 42.17A.410 shall apply separately to the contributions made by an entity (corporation, subsidiary or branch, national union and local unions, collective bargaining organizations and local units, membership organizations and local units and other organizations and their local units) unless the criteria in RCW 42.17A.455 and WAC 390-16-309 are met.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-320 Candidates in small political subdivisions—Reporting.** (1) ~~((According to))~~ As provided in RCW 42.17A.200 and 42.17A.135(7), a candidate for election in any political subdivision must fully report ~~((pursuant to chapter 42.17A RCW and Title 390 WAC))~~ if the candidate receives five thousand dollars or more in contributions or expects to receive five thousand dollars or more in contributions during an election cycle.

(2) It is presumed the candidate "expects to receive" five thousand dollars or more when any one of the following first occurs:

(a) The candidate or candidate's authorized committee receives at least five thousand dollars in aggregate contributions, including contributions from the candidate;

(b) The candidate is seeking the same office last sought, the candidate's election is in the current calendar year, and ~~((his or her))~~ the candidate's campaign contributions in the previous election for the same office were five thousand dollars or more in the aggregate;

(c) The contributions received on or before March 31st of the election year total one thousand two hundred fifty dollars or more;



(d) The contributions received on or before June 30th of the election year total two thousand five hundred dollars or more;

(e) The contributions received on or before September 30th of the election year total three thousand seven hundred fifty dollars or more; or

(f) The candidate otherwise anticipates that five thousand dollars or more will be received during the election cycle.

(3) Surplus funds carried over from a candidate's previous campaign are not contributions to the candidate's new campaign and do not count toward the five thousand dollar reporting threshold.

(4) A candidate or candidate's authorized committee that receives, or expects to receive, five thousand dollars or more shall:

(a) Within two weeks of the date the reporting obligation begins under subsection (1) or (2) of this section, file:

(i) A candidate registration, PDC (~~(form)~~) C-1 Report;

(ii) A personal financial affairs statement, PDC (~~(form)~~) F1 Report and, if relevant, the F1 Supplement; and

(iii) Contribution and expenditure reports, PDC (~~(forms)~~) C3 and C4 reports with appropriate attachments and schedules; and

(b) Otherwise comply with the campaign finance reporting and other provisions of chapter 42.17A RCW and Title 390 WAC.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-16-325 Dissolution of committees.** (1) Dissolution is the process by which a committee officially ceases doing business, pursuant to RCW 42.17A.225 and 42.17A.235. Dissolution does not relieve the candidate, elected official, or officers from any obligations to address violations that occurred before the committee was dissolved.

(2) To initiate dissolution, the committee must file a notice of intent to dissolve.

(3) The official (~~(form)~~) report for filing a notice of intent to dissolve a committee is designated "D-1." The D-1 must be filed using the electronic filing system provided by the commission. The commission is required to post each committee's notice of intent to dissolve on the commission web site upon receipt.

(4) On the D-1 (~~(form)~~) Report, the candidate or authorized committee officer must attest to the following:

(a) The committee has concluded its activities in all respects and has ceased to function and intends to dissolve;

(b) The committee has no outstanding debts or obligations, will not make any expenditure other than those related to the dissolution process, and will not engage in any political activity or any other activity that generates additional reporting requirements;

(c) The committee has filed a final report;

(d) No complaint or court action under chapter 42.17A RCW is pending against the committee and it has not been informed by the commission of any possible violations or technical corrections which remain unresolved;

(e) The committee has no outstanding penalties under chapter 42.17A RCW as assessed by the commission or a court;

(f) The committee accepts an ongoing obligation to maintain compliance with these conditions and an affirmative duty to notify the commission of any noncompliance; and

(g) (~~The committee understands that the committee's bank account may not be closed before the political committee has dissolved; and~~

~~(h))~~) The treasurer is obligated to preserve books of account, bills, receipts, and all other financial records for five years (~~, or as otherwise required by chapter 42.17A RCW~~).

(5) If, sixty days after a committee has filed its D-1, the committee is in compliance with the above requirements and has not notified the commission in writing that it revokes its intent to dissolve, the committee shall be deemed to be dissolved.

(6) The executive director will promptly acknowledge by electronic writing the committee's dissolution. The acknowledgment of dissolution will be posted on the commission's web site when sent to the committee.

(7) If the committee has not met the requirements for dissolution, the executive director will promptly notify the committee by electronic writing that it is not eligible to dissolve, and explain the reasons for its ineligibility. The committee may initiate the process again once it has come into compliance with the requirements.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-18-010 Sponsor identification of advertising, political advertising, electioneering communications, and independent expenditures.** (1) For the purposes of chapter 42.17A RCW and Title 390 WAC:

(a) "Sponsor of political advertising, electioneering communication, or independent expenditure" is, as used in the act and in these rules, and defined in RCW 42.17A.005.

(b) Unless the context clearly provides otherwise, "advertising" or "advertisement" means political advertising, independent expenditures that are for political advertising (~~(and/or)~~), or electioneering communications, subject to the provisions of chapter 42.17A RCW and as defined in RCW 42.17A.005 or 42.17A.255.

(2) All advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). Additional requirements apply for the following:

(a) Political committees that sponsor political advertising costing or having a fair market value of one thousand dollars or more supporting or opposing a ballot (~~(measure)~~) proposition must clearly identify the "top five contributors" to that political committee, as well as the "top three donors" of all political committees identified as a "top five contributor," pursuant to WAC 390-18-025.

(b) Advertising undertaken as an independent expenditure or electioneering communication shall comply with the "no candidate authorized this ad" sponsor identification and,

if relevant, the "top five contributors," as well as the "top three donors" to political committee contributors, and identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee provisions of RCW 42.17A.320.

(c) Political committees that sponsor independent expenditure or electioneering communication printed advertising are required to identify the "top five contributors" to that political committee (~~pursuant to WAC 390-18-025~~), as well as the "top three donors" to political committee contributors. This requirement does not apply to bona fide political parties sponsoring independent expenditures.

(3) Required sponsor identification shall be displayed in printed advertisements:

(a) In an area set apart from other printed matter;

(b) On the first page or fold of advertising consisting of more than one page that is intended to be presented as a single item (e.g., 3-page letter with return envelope). Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient;

(c) By respective sponsor on advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously.

(4) Required sponsor identification shall be clearly identified or spoken in advertising on radio, by telephone, or on television.

(5) Required sponsor identification shall be clearly identified, spoken or displayed on advertising on web sites, social media and other digital communication. Political committee web sites and other online forums created by a political committee must include sponsor identification.

(6) With advertising for which no payment is demanded or for which a cost or fair market value is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed, disseminated or broadcast.

(7) If more than one person sponsors specific advertising, the identity of each sponsor must be identified. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, that person is not deemed a sponsor provided the contribution is not earmarked for the advertising and is reported in accordance with applicable provisions of chapter 42.17A RCW and Title 390 WAC.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-18-025 Advertising—Identification of "top five contributors" and "top three donors to PAC contributors."** This section provides how sponsors should identify the "top five contributors" when required to be included in political advertising, as provided in WAC 390-18-010. When the "top five contributor" list includes one or more political committees, the sponsor must further identify and separately include in the advertisement the collective "top three donors to PAC contributors" to all such political committees. This section provides how the sponsor should identify such "top three donors to PAC contributors."

(1) For purposes of RCW 42.17A.320 (~~((2), (4), (5) and (6))~~), "top five contributors" means the five persons, as defined in RCW 42.17A.005, giving the largest aggregate contributions (~~(exceeding seven hundred)~~) of one thousand dollars or more during the twelve-month period preceding the date on which the advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution exceeding (~~seven hundred dollars~~) the threshold value and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2)(a) If a political committee keeps records necessary to track contributions used according to the use intended by its contributors, (~~and the committee subsequently makes independent expenditures for~~) that committee may identify the top contributions to the advertisement(~~(s supporting or opposing a candidate or slate of candidates or an electioneering communication identifying a specific candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose)~~), as opposed to identifying the overall top five contributors to the committee (~~(as is otherwise required by RCW 42.17A.320 and this section)~~), if such identified contributors made contributions that were intended and actually used to pay for the advertisement.

(b) The sponsor should not include contributions earmarked, tracked and used for purposes other than paying for the advertisement for purposes for identifying the top five contributors. However, if a sponsor uses a contributor's contributions earmarked for (~~(independent expenditures supporting or opposing a specific candidate or slate of candidates or electioneering communications identifying a specific candidate or slate of candidates shall not be used with respect to)~~) advertising for a different candidate or slate of candidates (~~(without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure)~~) than the candidate or candidates intended by the contributor, the sponsor must include such contribution in determining the "top five contributors" of the actual advertisement for which the contribution was used.

(3) For purposes of section 2, chapter 261, Laws 2019, "top three donors to PAC contributors" means the three individuals or entities, other than political committees, who gave the largest aggregate contributions to any political committee listed as a "top five contributor," of one thousand dollars or more during the twelve-month period preceding the date on which the advertisement was published or otherwise presented to the public.

(a) If any of the contributors to a "top five" political committee is itself a political committee, the sponsor must identify the top three contributors to that political committee. Such process continues until the sponsor has identified the top three nonpolitical committee contributors for each "top five" political committees. If more than three contributors to a "top five" political committee have given an amount equal to the largest aggregate contribution, the sponsor may select three of these contributors to identify as the "top three donors to PAC contributors."

(b) If there is more than one political committee identified as a "top five contributor," the sponsor must identify the top three nonpolitical committee contributors to each "top five" political committee, and then determine the "top three donors to PAC contributors" collectively from that list.

(c) The sponsor should not include contributions to a "top five" political committee contributor for purposes of identifying the "top three donors to PAC contributors" if both:

(i) The contribution to the "top five" committee was reported as an earmarked contribution for a purpose other than the advertisement in question; and

(ii) The "top five" committee has provided written verification to the sponsor before the initial publication or public presentation of the advertisement, confirming that such contribution was tracked and used for such other purpose.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-18-027 Definition—Medium that does not include a visual image.** (1) For electioneering communications identifying sponsors and top five contributors as required by RCW 42.17A.320, a "medium that does not include a visual image" means ~~((radio))~~ audio only, such as radio, which is transmitted without a visual component.

(2) For independent expenditures identifying sponsors and top five contributors as required by RCW 42.17A.320, a "medium that does not include a visual image" means audio only, such as radio or telephone transmissions, without a visual component.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-18-030 Advertising—Exemptions from sponsor identification and alternatives for online advertising.** (1) RCW 42.17A.320 requires that political advertising must identify certain information. The commission is authorized to exempt advertising where the sponsor identification disclosures required by RCW 42.17A.320 (1) and (2) are impractical. In addition, other political advertising is exempt from providing certain disclosures.

(2) The following forms of advertising need not include the sponsor's name and address, the "no candidate authorized this ad" sponsor identification, the "top five contributors," or the identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee as otherwise required by RCW 42.17A.320 (1) and (2) ~~((because such identification is impractical))~~: ~~((Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files,))~~

(a) Campaign paraphernalia that includes a printing surface area of 3" x 3" square inches or smaller, or where such identification is otherwise impractical;

(b) Newspaper ads of one column inch or less (excluding online ads) ~~((noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders,))~~;

(c) Reader boards where message is affixed in movable letters ~~((ribbons, 12-inch or shorter rulers, shoe horns, sky-writing, staple removers, stickers of a comparable size as worn by an individual, sunglasses, sun visors, swizzle sticks,))~~;

(d) State or local voter's pamphlets published pursuant to law ~~((tickets to fund raisers, water towers, whistles,))~~; and

(e) Yard signs - size 4' x 8' or smaller ~~((yo-yos, and all other similar items))~~.

(3) Online political advertising must provide the same disclosures that apply to non-online advertising to the extent practical. As an alternative, small online advertising may provide the required disclosures by using an automatic display with the advertising that takes the reader directly to the required disclosures.

(a) These automatic displays must be clear and conspicuous, unavoidable, immediately visible, remain visible for at least four seconds, and display a color contrast as to be legible. Online advertising that includes only audio must include the disclosures in a manner that is clearly spoken.

(b) Examples include nonblockable pop-ups, roll-overs, a separate text box or link that automatically appears with or in the advertising that automatically takes the reader directly to the required disclosures upon being clicked once, or other similar mechanisms that disclose the information required in RCW 42.17A.320 in a manner that is compatible with the device and technology used to display the advertising.

(4) Political advertising created and distributed by an individual using their own modest resources is not required to provide the disclosures in RCW 42.17A.320, when all of the following criteria are satisfied:

(a) The individual spends in the aggregate less than one hundred dollars to produce and distribute the advertising or less than fifty dollars to produce and distribute online advertising;

(b) The individual acts independently and not as an agent of a candidate, authorized committee, political committee, corporation, union, business association, or other organization or entity;

(c) The advertising is not a contribution under RCW 42.17A.005 (16)(a)(ii) or (iii) or WAC 390-05-210;

(d) The individual does not receive donations, contributions, or payments from others for the advertising, and is not compensated for producing or distributing the advertising; and

(e) The advertising is either:

(\*) (i) A letter, flier, handbill, text, email or other digital communications from the individual that does not appear in a newspaper or other similar mass publication (except for letters to the editor and similar mass communications addressed in WAC 390-05-490(4)); or

(\*) (ii) Disseminated on the individual's social media site, personal web site, or an individual's similar online forum where information is produced and disseminated only by the individual.

(5) Political advertising that is internal political communications to members is not required to separately include the disclosures in RCW 42.17A.320 where the sponsor's name is otherwise apparent on the face of the communication.

**AMENDATORY SECTION** (Amending WSR 16-22-046, filed 10/28/16, effective 11/28/16)

**WAC 390-18-040 Use of the terms "reelect," "retain," and "return."** (1) The term "reelect" when used in an advertisement represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.

(2) The term "reelect" may be used in an advertisement by a nonincumbent candidate who has previously been elected to the office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in an advertisement represents that the candidate is the incumbent but does not necessarily imply that the candidate attained the office by election.

(4) The term "return" in an advertisement represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was necessarily attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in an advertisement, use the term "reelect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-18-050 Commercial advertisers—Public inspection of records.** (1) "Commercial advertiser" as that term is used in the act and these rules means any person, as defined in the act, including individuals and entities, that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboard, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly for votes or for financial or other support in any election campaign.

(2) Any person that hosts political advertising or electioneering communications on a digital communication platform or other media is not required to maintain records on such advertising or communications if it has been purchased directly through another commercial advertiser, however the commercial advertiser that directly sells the advertising or communications to the original purchaser must maintain the information as required in this section.

(3) Pursuant to RCW 42.17A.345, each commercial advertiser who has accepted or provided political advertising, or electioneering communications, as defined in RCW 42.17A.005, must maintain current books of account and

related materials as required by this section. Such information must be available for public inspection by any person, without reference to, or permission from, the PDC, and provided:

(a) In person during normal business hours; and

(b) If requested electronically, in machine readable format and structured in a way that enables the data to be fully discoverable and useable by the end user:

(i) By digital transmission, such as email, promptly upon request; or

(ii) By online publication in one of the following formats:

(A) On the advertiser's primary web site;

(B) On a web site controlled by the advertiser, created for purposes of publishing the information required by this section, if a link is prominently displayed on the advertiser's primary web site directing users to the web site on which the information is provided; or

(C) On the PDC's open access platform, if one is provided by the PDC for such purpose.

(4) Information regarding political advertising or electioneering communications must be made available within twenty-four hours of the time when the advertisement or communication initially has been publicly distributed or broadcast, and within twenty-four hours of any update or change to such information. Such records must be maintained for a period of no less than (~~three~~) five years after the date of the applicable election.

(5) The information and books of account that must be maintained open for public inspection pursuant to RCW 42.17A.345 are:

(a) The name of the candidate or ballot measure supported or opposed or the name of the candidate otherwise identified, and whether the advertising or communication supports or opposes the candidate or ballot measure;

(b) The name and address of the sponsoring person or persons actually paying for the advertising or electioneering communication, including the federal employee identification number, or other verifiable identification, if any, of an entity, so that the public can know who paid for the advertising or communication, without having to locate and identify any affiliated entities;

(c) The total cost of the advertising or electioneering communication, or initial cost estimate if the total cost is not available upon initial distribution or broadcast, how much of that amount has been paid, as updated, who made the payment, when it was paid, and what method of payment was used; and

(d) Date(s) the commercial advertiser rendered service.

(6) In addition to subsection (5) of this section and pursuant to RCW 42.17A.345, the materials and books of account open for public inspection must include the political advertisement or electioneering communication itself, and a description of the major work components or tasks, as specified in (a) through (g) of this subsection, that were required to provide the advertising or communications services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Air time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

(g) For digital communication platforms: A description of the demographic information (e.g., age, gender, race, location, etc.) of the audiences targeted and reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, and the total number of impressions generated by the advertisement of communication.

(7) At the request of the PDC, each commercial advertiser required to comply with this section shall provide to the PDC copies of the information described above.

### Chapter 390-24 WAC

#### ~~(FORMS FOR)~~ REPORTS OF FINANCIAL AFFAIRS

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

**WAC 390-24-010 (~~Forms~~) Submissions for statement of financial affairs.** The official (~~form for~~) statement(~~s~~) of financial affairs as required by RCW 42.17A.700 is designated "F-1." (~~Copies of this form are~~) The electronic filing application is available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Olympia, Washington. If submitted by hard copy, any paper attachments must be on 8-1/2" x 11" white paper.

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

**WAC 390-24-020 (~~Forms for~~) Amending the statement of financial affairs.** (1) The official (~~form~~) electronic filing application for amending statements of financial affairs as required by RCW 42.17A.700 for all persons who have previously filed the (~~Form~~) F-1 is designated (~~Form~~) "F-1A."

(2) (~~No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can~~) A request for amending the F-1 in order to update information may be submitted once per year for up to three years, after which point a new F-1 filing

must be made. The F-1A may be used only to update information required on an F-1.

(3) The commission reserves the right to reject (~~amendatory forms~~) the use of an F-1A to update information and instead require a new (~~statement of financial affairs (Form)~~) F-1(~~s~~) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of (~~Form~~) the F-1A electronic filing application as well as hard copies are available on the commission's web site, www.pdc.wa.gov and at the Commission Office, Olympia, Washington. Any paper attachments must be on 8-1/2" x 11" white paper.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-24-025 Time for filing statement of financial affairs.** It shall be the policy of the (~~public disclosure~~) commission to construe the filing requirements of RCW 42.17A.700 for elected officials in the following manner: It is the interpretation of the commission that:

(1) Any person holding elected public office, except as exempted by the terms of RCW 42.17A.700, and any appointed official and professional staff member listed or referenced in RCW 42.17A.700, and any appointed official required to comply with the reporting requirements of RCW 42.17A.700 by any other statute (~~is~~) are required to file the (~~statement of financial affairs if such person holds such public office between January 1 and April 15 of any year. Such report shall be for the preceding calendar year.~~

(2) ~~Any local elected official whose term of office expires immediately after December 31 shall file a statement of financial affairs for the calendar year which ended on that date.~~

(3) ~~Any local elected official who resigns his public office prior to the completion of his current term of office shall file a statement of financial affairs covering that portion of the year that he was in office~~) F-1 for each partial or full calendar year that such person has served.

(a) For any officer or official who leaves public office prior to January 1st, the F-1 shall cover only the portion of the previous year that such person was in office.

(b) For any officer or official appointed to office between January through November, the F-1 filed at the time of appointment shall cover the immediately preceding twelve-month period. For any officer or official appointed to office in December, the F-1 filed at the time of appointment shall cover the preceding twelve-month period ending December 31st of the same year.

(2) Any person required to file an F-1 must electronically file the F-1 with the commission under the relevant periods as follows:

(a) Between January 1st and April 15th of each year immediately following the year, or portion of the year served;

(b) As alternative to (a) of this subsection, within sixty days of leaving public office, for any officer or official who leaves office before January 1st of the following year; or

(c) Within two weeks of appointment for any person appointed to a vacancy in office during the months of January

through November, or between January 1st and January 15th for any person appointed to a vacancy in December.

AMENDATORY SECTION (Amending WSR 13-11-009, filed 5/2/13, effective 6/2/13)

**WAC 390-24-160 Definition—Professional staff member.** (1) A professional staff member of the office of the governor and of the legislature includes all individuals retained on a full or part-time basis whose primary responsibilities require the exercise of judgment and discretion in policy related matters(=) including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) The commission needs a complete and accurate list of professional staff members of the governor, the senate, and the house of representatives, in order to properly and fairly administer the personal financial affairs disclosure requirements applicable to executive state officers as defined in RCW 42.17A.705. Each December, the executive director shall ask the governor, the secretary of the senate, and the clerk of the house to provide the commission by January 15th, the names and positions of the professional staff members meeting the criteria set forth in subsection (1) of this section, who are expected to be retained during the ensuing year, and to provide periodic updates throughout the year as necessary to reflect changes in professional staff. ~~((The executive director will present to the commission the lists of professional staff members received from the governor, senate, and house of representatives and post the lists on the commission's web site.))~~

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-24-200 Descriptions of real property.** (1) For the purposes of reporting real property as required by RCW 42.17A.710 (1)(h) through (k), the filer shall list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description. ~~((=))~~ Each property description shall be followed by the name of the county in which the property is located.

(2) Pursuant to RCW 42.17A.710(2), a judge, prosecutor, sheriff, or their immediate family member who is required under RCW 42.17A.710 (1)(h) through (k) to disclose the personal residence of the judge, prosecutor, or sheriff, may satisfy that reporting requirement by reporting:

- (a) The city or town; and
- (b) The type of residence, such as a single-family or multifamily residence, and the nature of ownership.

AMENDATORY SECTION (Amending WSR 86-08-030, filed 3/26/86)

**WAC 390-24-205 ((Report of) Reporting on compensation received for legislation prepared, promoted or opposed, for the statement of financial affairs (F-1).** (1) Pursuant to RCW ~~((42.17.241 [42.17A.710]))~~ 42.17A.710

(1)(e), as part of the F-1, an official must provide ~~((in each report required by that subsection))~~:

(a) The name of each governmental entity of which the official is an officer or employee(=);

(b) A statement of each subject area on which the reporting official has prepared, promoted or opposed any legislation, rule, rate or standard for such entity(=);

(c) The compensation received or promised for said service; and(=)

(d) All other persons for whom such services have been performed for current or deferred compensation, together with an itemization of such actual or proposed legislation, rules, rates and standards, and the amount of compensation paid or promised for the service.

(2) A person need not report the information described in subsection (1)(a), (b), and (c) of this section as to any entity of which such person is an elected official.

NEW SECTION

**WAC 390-24-211 Reporting on public or private office held for the statement of financial affairs (F-1).** An elected official or executive state officer is not required to report the office, directorship, or position held in a public or private office for service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties.

AMENDATORY SECTION (Amending WSR 15-01-066, filed 12/11/14, effective 1/11/15)

**WAC 390-24-301 Changes in dollar amounts of reporting thresholds and code values for the statement of financial affairs (F-1).** Pursuant to the commission's authority in RCW 42.17A.125~~((=))~~ to revise the monetary reporting thresholds and code values found in chapter 42.17A RCW to reflect changes in economic conditions, the following revisions are made:

Statutory Section	Subject Matter	Amount Enacted or Last Revised	Revision Effective January 12, 2015
.710 (1)(b)	Bank Accounts	\$20,000	\$24,000
.710 (1)(b)	Other Intangibles	\$2,000	\$2,400
.710 (1)(c)	Creditors	\$2,000	\$2,400
.710 (1)(f)	Compensation	\$2,000	\$2,400
.710 (1)(g)(ii)	Compensation to Business Entity	\$10,000	\$12,000
.710 (1)(g)	Bank Interest Paid	\$2,400	\$2,900
.710 (1)(h)	Real Property-Acquired	\$10,000	\$12,000
.710 (1)(i)	Real Property-Divested	\$10,000	\$12,000
.710 (1)(j)	Real Property-Held	\$10,000	\$12,000
.710 (1)(k)	Real Property-Business	\$20,000	\$24,000
.710 (1)(l)	Food and Beverages	\$50	

Statutory Section	Subject Matter	Amount Enacted or Last Revised	Revision Effective January 12, 2015
.710 (2)	Dollar Code A	Up to ((\$3,999)) <u>\$4,449</u>	Up to ((\$4,499)) <u>\$29,999</u>
	Dollar Code B	(\$4,000-\$19,999) <u>\$4,500-\$23,999</u>	(\$4,500-\$23,999) <u>\$30,000-\$59,999</u>
	Dollar Code C	(\$20,000-\$39,999) <u>\$24,000-\$47,999</u>	(\$24,000-\$47,999) <u>\$60,000-\$99,999</u>
	Dollar Code D	(\$40,000-\$99,999) <u>\$48,000-\$119,999</u>	(\$48,000-\$119,999) <u>\$100,000-\$199,999</u>
	Dollar Code E	(\$100,000) <u>\$120,000 and up</u>	(\$120,000 and up) <u>\$200,000-\$499,999</u>
	Dollar Code F		<u>\$500,000-\$749,999</u>
	Dollar Code G		<u>\$750,000-\$999,999</u>
	Dollar Code H		<u>\$1,000,000 or more</u>

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 390-24-032 Definition—Nonreimbursed public office related expense.

WAC 390-24-105 Definition—Written sworn statement.

**Chapter 390-28 WAC**

**~~((HARDSHIP EXEMPTIONS—HEARING EXAM-  
INER SYSTEM))~~ MODIFICATIONS OF REPORTING  
REQUIREMENTS—PROCEDURES**

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-020 Definition—Applicant.** The term applicant for the purposes of chapter 390-28 WAC shall mean any person as defined in RCW 42.17A.005 ~~((that))~~ who seeks a modification pursuant to RCW 42.17A.120 and these rules.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-025 Hearing to modify reporting requirements.** (1) Any person who considers compliance with any of the reporting requirements of chapter 42.17A RCW to be a manifestly unreasonable hardship in a particular case may apply for a modification of such reporting requirements pursuant to RCW 42.17A.120 and further pursuant to these rules.

(2) A hearing to modify the reporting requirements shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC) ~~((shall be followed))~~, unless otherwise modified by chapter 390-28 WAC.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-040 Hearing to modify reporting—Pre-hearing procedure and requirements.** (1) An applicant ~~((must))~~ may electronically file with the commission a ~~((written))~~ request for a hearing for suspension or modification of reporting requirements. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline.

(2) The request should contain (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, (c) a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.) The applicant is encouraged to also include a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for modification shall not suspend the reporting requirement of any portion of chapter 42.17A RCW.

AMENDATORY SECTION (Amending WSR 17-03-028, filed 1/6/17, effective 2/6/17)

**WAC 390-28-060 Hearing to modify reporting—~~((Administrative law judge))~~ Brief adjudicatory proceedings—Presiding officer.** ~~((1) The commission may request through the office of administrative hearings the appointment of an administrative law judge to hear individual applicants.~~

(2) After such hearing is concluded, the administrative law judge shall prepare and distribute to the applicant and each commissioner a proposed decision determining the issue. The applicant shall have five business days to file with the commission specific objections to the administrative law judge's ~~proposed~~ decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the administrative law judge, applicant or executive director. The commission may also hear additional testimony.

(3) If the applicant files objections to the administrative law judge's proposed decision, the filing requirement from which the applicant has sought modification shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW 42.17A.120. Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next meeting at which the matter can be lawfully considered, the commission shall review and either ratify or modify or revise the proposed order.) Reporting modification requests may be heard in a brief adjudicatory proceeding, as provided under the Administrative Procedure Act, RCW 34.05.482 through 34.05.494, and WAC 390-37-140 through 390-37-144. The commission may preside over

the proceedings. Alternatively, one of the following persons may act as the presiding officer: The commission chair; another commissioner appointed by the chair; or, at the request of the commission chair, an administrative law judge through the office of administrative hearings.

AMENDATORY SECTION (Amending WSR 07-14-117, filed 7/3/07, effective 8/3/07)

**WAC 390-28-070 Hearing to modify reporting—By affidavit or sworn statement.** (1) An applicant may choose to waive a personal appearance at a hearing conducted pursuant to chapter 390-28 WAC. In the event that an applicant chooses to waive such appearance, that person shall submit a written, sworn statement setting out in detail the rationale for requesting modification or suspension.

(2) The commission ~~(, or the administrative law judge,)~~ or presiding officer shall proceed to decide the application in the same manner as if an appearance were made. However, in the event the commission, ~~or (the administrative law judge)~~ presiding officer is not able to reach a conclusion on the request because of an insufficiency of the evidence, the hearing may be adjourned for the purposes of gathering further evidence, or the application may be denied.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-080 Hearing to modify reporting—Evidence, record, adverse decisions.** (1) All evidence presented at hearings held pursuant to chapter 390-28 WAC and RCW 42.17A.120 shall be considered to be a public record. However, if a modification is requested by a filer because of a concern for personal safety that is caused by the potential disclosure of information required to be reported, upon request by the filer, the information submitted for that modification request regarding that safety concern shall not be made public prior to, or at the hearing on the request for modification. In accordance with RCW 42.17A.120, any information provided or prepared for the modification hearing shall remain exempt from public disclosure under chapters 42.17A and 42.56 RCW to the extent it is determined at the hearing that disclosure of such information would reasonably present a personal safety risk to the applicant or a member of their family. If no written order is entered based on findings pursuant to this section, then the exempted information will become available for public disclosure.

(2) Except as otherwise provided in subsection (1) of this section, there is a presumption that all hearings and evidence presented in hearing records are open to the public. Requests for closure of hearings or portions of hearings or hearing records generally will be denied. However, pursuant to RCW 34.05.449(5) and 42.17A.120, the commission or presiding officer may close the hearing or a portion of the hearing or hearing record ~~(. The commission may close a hearing or portion of a hearing or hearing record)~~ for a limited purpose to protect compelling interests and where closure is specifically justified if it finds that it is necessary to allow the applicant to:

(a) Provide sufficient evidence to assure that proper findings are made regarding the name of an entity the disclosure

of which would likely adversely affect the competitive position of the applicant as provided in RCW 42.17A.120; or

(b) Provide other information or relevant legal authorities for which it finds a compelling interest has otherwise been shown by the applicant to close the hearing.

~~((2))~~ (3)(a) Before concluding that closure of a hearing or portion of a hearing or hearing record is warranted, the commission or presiding officer must find by clear and convincing evidence that:

(i) The applicant has satisfied a basis for seeking closure under subsection ~~((4))~~ (2)(a) or (b) of this section;

(ii) An open hearing or record to report the information would ~~((work))~~ present a manifestly unreasonable hardship ~~((on))~~, or personal safety risk, to the applicant;

(iii) Anyone present when the closure request is made has been given an opportunity to object to the closure;

(iv) The proposed method for closing the hearing or hearing record is the least restrictive means available for protecting the threatened interests, after considering alternatives;

(v) The commission or presiding officer has had the opportunity to weigh the competing interests of the applicant seeking closure and the public's interests;

(vi) Closing the hearing or portion of the hearing or hearing record will not frustrate the purposes of chapter 42.17A RCW; and

(vii) The proposed protective order is not broader in its application or duration than necessary to serve its purpose.

(b) All evidence presented at any portion of a closed session identifying the matters for which the applicant requests modification under these rules shall be considered confidential by the commission or presiding officer pursuant to a protective order which shall be entered by the commission or presiding officer unless otherwise ordered by a court of competent jurisdiction. In the event that an administrative law judge, acting as the presiding officer, determines that testimony in private may be necessary, the judge shall immediately adjourn the hearing and refer the matter to the commission.

~~((3))~~ (4) Any decision or order ~~((adverse to an applicant))~~ rendered by the commission or ~~((the administrative law judge))~~ presiding officer shall be in writing or stated in the record ~~((and shall be))~~, however any dispositive order accompanied by findings of fact and conclusions of law must be in writing. The full commission may review any order rendered by a presiding officer, pursuant to WAC 390-37-144.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-090 Hearing to modify reporting—Required findings.** (1) The commission or presiding officer, after a hearing, as provided in these rules, may suspend the applicable reporting requirement of chapter 42.17A RCW if ~~((it))~~ the commission or presiding officer finds that the literal application of such requirement works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of the act. The commission or presiding officer shall suspend or modify such reporting requirement or requirements only to the extent necessary to substantially



relieve such hardship, and only upon clear and convincing proof to support such claim.

(2) The commission or presiding officer may approve a modification for the length of an elected official's term of office, or up to three years for an executive state officer. If the commission has approved a modification for more than one year, and there is a material change in the applicant's circumstances or relevant information after the initial year, then the applicant must request a modification at least one month prior to the next filing deadline (rather than at the conclusion of the approval period).

(3) The commission or presiding officer may apply a modification retroactively to previously filed reports. In such cases, the previously reported information of the kind that is no longer being reported is confidential and exempt from public disclosure under this chapter and chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 14-15-013, filed 7/3/14, effective 8/3/14)

**WAC 390-28-100 Reporting modifications—Possible qualifications—Standards—Statement of financial affairs.** (1) Under RCW 42.17A.120, the commission or presiding officer may modify reporting requirements, including the statement of financial affairs, if literal application of the requirement would work a manifestly unreasonable hardship and the suspension or modification would not frustrate the purpose of the law. One or more of the following may be considered by the commission or presiding officer as possible qualifications for a reporting modification with respect to the statement of financial affairs, when ~~((it is in the public interest))~~ such standard is met:

(a) **Banks, savings accounts, insurance policies - Financial interests.** An applicant may be exempted from reporting any financial interest, otherwise required to be reported by RCW 42.17A.710 (1)(b) if:

(i) The financial institution or other entity in which the applicant held an interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by the applicant;

(ii) Such reporting would present a manifestly unreasonable hardship to the applicant; and

(iii) The interest would present no actual or potential conflict with the proper performance of the duties of the office sought or held.

(b) **Income and ownership interests.** An applicant may be exempted from reporting the information otherwise required by RCW 42.17A.710 (1)(f) and (g), if:

(i) Public disclosure would violate any legally recognized confidential relationship that serves a legitimate business interest;

(ii) The information does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by the applicant in whole or in part;

(iii) Such reporting would present a manifestly unreasonable hardship to the applicant including but not limited to adversely affecting the competitive position of an entity in which the applicant had an interest of ten percent or more as described in RCW 42.17A.120; and

(iv) The interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held.

(c) **Immediate family members' interests.** An applicant may be exempted from reporting the information otherwise required by RCW 42.17A.710 for members of the applicant's immediate family, if:

(i) Such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status; and, such financial interest is not a present or prospective source of income to the applicant or to any other person who is dependent upon the applicant for support in whole or in part; or

(ii) Reporting the name of an entity in which the immediate family holds an interest of ten percent or more would be likely to adversely affect the competitive position of the entity, under RCW 42.17A.120.

(d) **Personal residence - Real property.** Regarding reporting the information otherwise required by RCW 42.17A.710 (1)(h) through (k):

(i) Under WAC 390-24-200, the filer shall list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description. Each property description shall be followed by the name of the county in which the property is located.

(ii) No modification will be necessary if the filer describes the real property using one of the alternatives in WAC 390-24-200, plus the name of the county. Judges, prosecutors, or sheriffs may describe a personal residence in the alternative manner provided under RCW 42.17A.710(2), without a modification.

(iii) A modification will be required if the filer seeks some other means to describe reportable real property including the personal residence of the filer. The commission may consider ~~((a modification, for example, when the filer or his or her immediate family member has received a threat, has a no contact order, or presents a similar personal safety concern.~~

A prospective)) and grant such a modification to ((allow nondisclosure)) amend the description of a residential address ((may be granted if)) to the extent necessary to protect the applicant or an immediate family member who has received a threat, ((been issued)) has obtained a no contact order, or ((presents)) has presented a similar personal safety concern.

(e) **Other.** An applicant may be exempted from reporting information otherwise required under RCW 42.17A.710 which would constitute a manifestly unreasonable hardship in a particular case, when the circumstances presented would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held. Examples of other common requests will be considered as follows:

(i) **Lawyers and law firms (when applicant is an incumbent or candidate and acts alone or as part of a governing body, board, or commission).** An applicant may be allowed to satisfy the reporting requirements of RCW 42.17A.710 (1)(g)(ii) and WAC 390-24-020 by disclosing reportable clients from whom compensation has been paid in excess of the reporting threshold as follows:

(A) The names of the business clients for whom the applicant has done legal work;

(B) Other clients of the law firm whose interests are significantly affected by the applicant's actions as an elected or appointed official or whose actions will be affected by the applicant's action should the applicant be elected whose identities become known to the applicant through any means;

(C) The names of the clients of the law firm who are listed in Martindale Hubbell, the firm's resume, web site, or similar promotional materials; and

(D) Governmental clients that have done business with the law firm.

An applicant may also be required to disclose all business customers from whom compensation in excess of the reporting threshold has been received whose identities are publicized or referenced in documents open for public inspection at the courts, in administrative hearings, at proceedings conducted by public agencies, or are a matter of public knowledge in other similar public forums. Alternatively, the commission may require an applicant to report only those publicly identifiable customers of which the applicant is aware.

(ii) **Judges and former law firms.** An applicant may be allowed to satisfy the reporting requirements of RCW 42.17A.710 (1)(g)(ii) and WAC 390-24-020 by disclosing any required information of which the applicant is aware, when the applicant certifies ~~((he or she))~~ that the applicant is no longer able to access or has been denied access to the former law firm's client information.

The commission may apply (e)(i) of this subsection when the applicant is a nonincumbent judicial candidate who practiced law during the reporting period and who seeks a modification regarding reportable business clients of the law firm.

(iii) **Motor vehicle dealers.** An applicant may satisfy the reporting requirements of RCW 42.17A.710 (1)(g) and WAC 390-24-020 by disclosing:

(A) All purchases and leases of vehicles, and purchases of parts and services from the dealership, by the agency or jurisdiction in which the applicant seeks or holds office;

(B) Other business and governmental entities that purchased or leased ten or more vehicles from the dealership;

(C) Business customers who paid in excess of twenty thousand dollars for the purchase of parts and/or service from the dealership; and

(D) Any other governmental entity that paid the dealership in excess of the disclosure threshold established under RCW 42.17A.710 (1)(g)(ii) for the purchase of parts and/or service.

(iv) **Applicants whose spouse or registered domestic partner creates a reporting obligation for the applicant.** When an applicant is required to report the activities of an entity solely because the applicant's spouse or registered domestic partner held an office, directorship, general partnership or ownership interest in the entity and the applicant does not have direct knowledge of the information that must be reported, the applicant may be allowed to satisfy the disclosure requirements of RCW 42.17A.710 (1)(g)(ii) and WAC 390-24-020 by disclosing reportable customers from whom compensation in excess of the disclosure threshold estab-

lished under RCW 42.17A.710 (1)(g)(ii) has been received as follows:

(A) All payments made by the agency or jurisdiction in which the applicant seeks or holds office to the entity;

(B) The business and other governmental customers or clients of the applicant's spouse/domestic partner and of the entity of which the applicant is aware; and

(C) Any other business and other governmental customers or clients of the entity whose identities are known to the applicant and whose interests are significantly affected by the agency or jurisdiction in which the applicant seeks or holds office. The commission may apply (e)(i) through (iii) of this subsection when the applicant's spouse/domestic partner is a lawyer, judge, or motor vehicle dealer.

(2) "Bona fide separate property agreement" means an agreement or court order describing separate property in a valid:

(a) Prenuptial agreement;

(b) Separate property contract under chapter 26.09 RCW;

(c) Separate property court decree under chapter 26.09 RCW;

(d) Domestic partnership agreement under chapter 26.60 RCW;

(e) Domestic partnership agreement as part of a notice of termination under chapter 26.60 RCW; or

(f) Postnuptial agreement.

(3) "Other bona fide separate status" means a valid written agreement or court decree recognizing the separate status of the parties under state law, including their individual property that is separate under state law.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-005 Complaint review and categorization.** (1) PDC staff, upon receiving or initiating a complaint, will promptly conduct an initial review and preliminarily assign matters to certain categories.

(2) Upon initial review, a matter may be preliminarily categorized as:

(a) Unfounded or frivolous, pursuant to WAC 390-37-060;

(b) A ~~((remedial))~~ remediable violation, pursuant to RCW 42.17A.005;

(c) Appropriate for resolution as a technical correction, pursuant to RCW 42.17A.005;

(d) A minor violation, appropriate for alternative resolution alternatives, pursuant to WAC 390-37-061;

(e) Appropriate ~~((for))~~ to initiate an investigation as to whether or not there has been a material ~~((actual))~~ violation ~~((eligible for resolution pursuant to RCW 42.17A.005(2)))~~;

(f) Appropriate for referral to the attorney general, pursuant to WAC 390-37-042; or

(g) Other status as authorized and appropriate under chapter 42.17A RCW or Title 390 WAC.

(3) Each enforcement matter will be posted ~~((by PDC staff))~~ on the PDC's public case-tracking database, where its status will be updated from time to time as appropriate until the matter is closed, to apprise the parties and general public.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint.** (1) Within ten days of receipt by the PDC of a complaint which on its face appears to have merit, or initiation of a complaint by the PDC staff, the PDC staff shall notify the respondent that a complaint has been filed, along with an explanation of possible next steps, including the categorization process under WAC 390-37-005. Sending the complaint to the respondent's email address of record as provided to the PDC shall constitute sufficient notice.

(2) The notice shall set forth the nature of the complaint and the statutory and/or rule provision(s) alleged to have been violated.

(3) Respondents who wish to respond must file their response electronically within fourteen days of being notified by PDC staff, addressing the alleged noncompliance in the complaint. The response may address the respondent's view of which category or categories appropriately address the alleged noncompliance pursuant to WAC 390-37-005 (~~((remedial))~~ remediable, technical corrections, etc.). The PDC staff may provide for a shorter response period (~~(for complaints received within sixty days of an)~~ in order to conclude a timely investigation so the public will not be deprived of important information before the election.

(4) If an alternative response to the alleged violation has been issued as provided by this chapter, the notice shall also describe that response, including any conditions the respondent is required to meet.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-060 (~~(Enforcement)) Case initiation and resolution procedures—Alternative responses to noncompliance—Technical corrections—Investigation of complaints—Initiation of adjudicative proceeding.~~** (1) Upon receipt or initiation of a complaint, the PDC staff will conduct an initial review (~~(of the complaint))~~ pursuant to WAC 390-37-005.

(a) If the executive director determines that any complaint is obviously unfounded or frivolous, or outside of the PDC's jurisdiction, the executive director will inform the complainant and, as appropriate, the respondent why no further action is warranted.

(b) The executive director may resolve a matter as a technical correction pursuant to RCW 42.17A.755. PDC staff will notify the respondent of the need to make a correction and the deadline by which that correction must be made. The deadline will be no less than (~~(five))~~ two days and no more than thirty days from the date of the notification. The failure to make the requested correction may result in the initiation of an investigation or other enforcement action.

(c) The executive director may resolve a matter as a (~~(remedial))~~ remediable violation pursuant to RCW 42.17A.-755.

(d) The executive director may resolve any complaint that alleges minor violations of chapter 42.17A by issuing a formal written warning. If the resolution is conditioned upon

the respondent reaching or maintaining compliance, specific expectations and any deadlines will be clearly explained in the written warning. A respondent's failure to meet conditions may result in a complaint being reopened.

(e) The executive director may use the complaint publication process set out in WAC 390-32-030 to resolve any complaint that alleges minor or technical violations of chapter 42.17A RCW.

(f) The executive director may initiate an investigation whenever an initial review of a complaint indicates that a material violation may have occurred.

(g) The executive director shall report at each regular commission meeting a summary covering the period since the previous commission meeting of all complaints initiated or received; how they were categorized; the nature of the allegations; conformance to required timelines; and actions taken and resolutions achieved pursuant to the alternatives provided for under chapter 42.17A RCW, such as dismissals, requests for technical correction, warning letters, complaint publication, statements of understanding, initiations of investigations, status reviews, stipulations, referrals to the attorney general's office, brief adjudicative proceedings, or commission hearings.

(2) If the executive director determines an investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before proceeding.

(3) If the executive director determines an investigation is warranted, an initial hearing (also referred to as a "case status review") shall be held pursuant to WAC 390-37-071 within ninety days.

(4) Following the initial hearing (case status review), and further investigation if needed, the executive director may initiate an adjudicative proceeding before the commission whenever the facts support that (~~(an actual))~~ a material violation has occurred and the matter is not appropriate for a dismissal or an alternative resolution.

(5) The respondent and complainant shall be notified of the date of the adjudicative proceeding or a report on an enforcement matter resulting from a complaint no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434, the staff investigative report, and any charges to be adjudicated. The notice, whenever possible, will be delivered electronically.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-061 Enforcement procedures—Alternative responses to noncompliance—Goals and objectives—Factors to be considered.** (1) In considering appropriate responses to (~~(actual))~~ violations, (~~(as that term is used in the act))~~) the PDC staff considers whether an investigation or adjudicative proceeding constitutes an efficient and effective use of public funds; or whether an alternative response better meets the PDC's mission and public expectations by allowing the expedited resolution of minor violations, and the focusing of resources on more significant violations of chapter 42.17A RCW and Title 390 WAC.

(2) A minor violation is ~~((an actual))~~ a violation that occurs:

(a) When required information is not timely disclosed, but the public is not deprived of critical information; ~~((or))~~

(b) When incomplete information is disclosed, but a good faith effort to comply with disclosure is made, and the public is not deprived of critical information~~((-)); or~~

(c) When any other violation of chapter 42.17A RCW has occurred that does not materially affect the public interest.

(3) In authorizing an alternative response to alleged non-compliance, the executive director may consider the nature of

the alleged violation and any relevant circumstances including, but not limited to, the factors described in subsection (4) of this section: Provided, that, if after weighing the relevant circumstances and factors, the executive director determines that there is evidence that so warrants, the allegations shall be addressed through an investigation as provided by WAC 390-37-060.

(4) The factors the executive director may consider in permitting an alternative response to noncompliance, an investigation, or an adjudicative proceeding include, but are not limited to:

An alternative response to noncompliance may be appropriate if ...	An investigation and possible adjudicative hearing may be appropriate if ...
It appears that noncompliance resulted from a good-faith error, omission, or misunderstanding.	It appears that the noncompliance may have resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior.
The respondent is a first-time filer.	The respondent has experience in complying with the applicable requirements.
The respondent's compliance history indicates the noncompliance was isolated or limited in nature, and not indicative of systematic or ongoing problems.	The noncompliance is part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization.
The impact of the noncompliance on the public was minimal.	The noncompliance deprived the public of timely or accurate information during a time-sensitive period in a campaign, legislative session, etc., or otherwise had a significant or material impact on the public.
The respondent's organization or campaign was relatively unsophisticated or small.	The respondent or the respondent's organization or campaign demonstrated a relatively high level of sophistication, or was well financed and staffed.
The total expenditures by the respondent in the campaign or statement period were relatively modest.	The campaign or statement period involved significant expenditures by the respondent.
The amount of late-reported activity, or the duration of the untimely disclosure, was small in proportion to the amount of activity that was timely reported by the respondent.	The late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period.
There is no evidence that any person, including an entity or organization, benefited politically or economically from the noncompliance.	It appears the respondent or anyone else benefited politically or economically from the noncompliance.
Personal emergency or illness of the respondent or member of his or her immediate family contributed to the noncompliance.	There are no circumstances that appear to mitigate or appropriately explain the late reporting or other noncompliance.
Other emergencies such as fire, flood, or utility failure prevented compliance.	There are no circumstances that appear to mitigate or appropriately explain the late reporting or other noncompliance.
PDC staff or equipment error, including technical problems at the agency prevented or delayed electronic filing.	PDC staff or equipment error did not appear to contribute to the noncompliance.
The noncompliance resulted from the respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions, a lack of clarity in the rule or statute, or uncertainty concerning the valid application of the commission's rules.	It appears the respondent understood the application of staff's guidance or instructions, and did not dispute the valid application of the commission's rules.

<b>An alternative response to noncompliance may be appropriate if ...</b>	<b>An investigation and possible adjudicative hearing may be appropriate if ...</b>
The respondent quickly took corrective action or initiated other remedial measures prior to any complaint, or when non-compliance was brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or over limit contributions).	The respondent appeared negligent or unwilling to address the noncompliance.
The respondent made a good-faith effort to comply, including by consulting with PDC staff following a complaint and cooperating during any preliminary investigation, or demonstrated a wish to acknowledge and take responsibility for the alleged violation.	The respondent failed to provide a timely or adequate response to the complaint, or was otherwise uncooperative.
The alleged violation was or is being addressed under an analogous local ordinance, regulation, or policy.	The commission has primary jurisdiction over the alleged violation.
The alleged violation presents a new question or issue for the commission's interpretation.	The alleged violation does not present a case of first impression.
Other factors relevant to a particular case	

**AMENDATORY SECTION** (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-062 Enforcement procedures—Alternative responses—Cases resolvable by stipulation prior to completion of investigation—Penalty schedule.** (1) The purpose of WAC 390-37-062 is to set forth a schedule of violations and penalties that may be agreed to by a respondent pursuant to a stipulation prior to an investigation, as authorized by RCW 42.17A.755. That schedule appears in the table below.

(2) A violation not set forth in the schedule may be resolved pursuant to a stipulation, provided that the proposed penalty amount is within the dollar ranges listed in the schedule.

(3) "Occasion" as used in the schedule means (~~an~~ "actual violation," as defined in RCW 42.17A.005,) a violation found by the commission.

(4) Only (~~actual~~) violations within the last five years will be considered for determining whether the violation under consideration shall be deemed a second or third occasion.

(5) Any proposed stipulation shall be in writing, must include a brief recitation of the facts, violations, and penalty, and be signed by each party to the stipulation or their representative and provided by 4:00 p.m. three business days preceding the commission meeting. The executive director shall sign for PDC staff.

(6) The commission has the option of accepting, modifying or rejecting the proposed stipulation. If the commission accepts the stipulation, or modifies the stipulation with the agreement of the parties, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation, the commission staff may consider whether:

- (a) An investigation should be initiated; or
- (b) The matter may appropriately be resolved in another manner.

(7) In determining whether to accept the stipulation, the commission may consider the nature of the violation(s), and any aggravating and/or mitigating factors as provided in WAC 390-37-182.

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Filed missing report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Report is filed late and is incomplete or inaccurate.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Respondent failed to file or timely file accurate and complete campaign disclosure reports:</b>			
Cash Receipts Monetary Contributions Report (C-3 report)			

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Filed missing C-3 report or amended C-3 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to timely deposit monetary contributions within five business days of receipt.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to include employer and occupation information for contributors of more than \$100.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Campaign Summary Receipts and Expenditures Report (C-4 report)</b>			
Filed missing C-4 report or amended C-4 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to properly report the "purpose" of an expenditure under RCW 42.17A.240(6) or 42.17A.255 (5)(b).	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to properly report expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to report a contractual contingent liability.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to properly dispose of surplus funds.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failed to properly make campaign books of account available for public inspection as required immediately preceding the date of an election.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Independent Expenditure Report (C-6 report)</b>			
Filed missing C-6 report or amended C-6 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Report is incomplete or inaccurate.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Out-of-State Political Committee Report (C-5 report)</b>			
Filed missing C-5 report or amended C-5 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Last Minute Contribution Report (LMC report)</b>			
Filed missing LMC report or amended LMC report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Exceeding Contribution Limits</b>			
Refunded contributions after being notified of the complaint, over limit contributions were not significant, and respondent provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
<b>Other Alleged Violations</b>			
<b>Exceeding Mini Reporting Threshold</b>			
Filed C-3 and C-4 reports for full reporting after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Failure to file electronically			
Filed C-3 and C-4 reports electronically after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition.			
Use of public facilities was incidental and isolated, and evidence was not submitted indicating that the use may have affected the outcome of the election.	\$0 - \$750	\$750 - \$1,500	\$1,500 - \$2,250
Failure to file Lobbyist Registration report (L-1 report)			
Filed missing L-1 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Failure to File Agency Lobbying Report (L-5 report)			
Filed missing L-5 report or amended L-5 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Grassroots Lobbying Report (L-6 report)			
Filed missing L-6 report or amended L-6 report after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Sponsor identification requirements for political advertising			
Political advertising failed to include any sponsor identification, or included improper or misleading sponsor identification.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Party preference requirement for political advertising			
Political advertising failed to include a candidate's party preference.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Use of current picture requirement in political advertising			
Political advertising fails to include at least one picture of the candidate used in the advertising that was taken within the last five years, that is no smaller than any other picture of the same candidate used in the same advertisement.	\$0 - \$300	\$300 - \$600	\$600 - \$1,000
Political advertising or electioneering communication—Libel or defamation per se			
Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Commercial advertisers—Public inspection of documents</b>			
Commercial advertisers who after accepting or providing political advertising or electioneering communications during an election campaign fail to maintain documents or books of account as required by WAC 390-16-050.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Candidates and political committees—Public inspection of books of accounts</b>			
Candidates or political committees who fail to accommodate requests for public inspection as required by WAC 390-16-043.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Limitations on employers or labor organizations</b>			
Failed to maintain open for public inspection, during normal business hours, documents and books of accounts showing a copy of each employee's request for funds to be withheld for transfer to a political committee.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400

(8) In a matter where the PDC staff have completed an investigation or resolved the matter as a technical correction, as authorized in RCW 42.17A.755, the schedule set forth in the table above is not applicable.

(3) As provided in the act, the commission or executive director may apply in superior court for authorization to issue a subpoena before issuing the subpoena, in circumstances where appropriate.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas.** (1) During the course of a PDC audit or investigation, the executive director may issue a subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The subpoena shall:

**WAC 390-37-070 Enforcement procedures—Complaints dismissed by executive director after an investigation has been commenced.** The executive director, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, ~~((does))~~ provides reason to believe that a violation has occurred, but also shows that the respondent is in substantial compliance with the relevant statutes or rules, or shows that formal enforcement action is not warranted. The executive director shall report at each regular commission meeting all complaints dismissed.

(a) Specifically describe the information which is sought~~((:));~~ and

(b) Set forth a reasonable time and place for the production of the information~~((:));~~ and

(c) Notify the person that if the information is not produced, the executive director will apply to the superior court for an appropriate order or other remedy.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

The subpoena may be personally delivered or sent by certified mail, return receipt requested.

**WAC 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings).** (1) An enforcement hearing (adjudicative proceeding) shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW). Chapter 390-37 WAC further governs these proceedings, as supplemented by chapter 10-08 WAC. To the extent chapters 390-37 and 10-08 WAC differ, chapter 390-37 WAC controls.

(2) The commission or the presiding officer may issue a subpoena under RCW 42.17A.110(6) and WAC 390-37-120 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, text messages, records, memoranda, electronically stored data, or other evidence that the commission deems relevant and material.



(2) An adjudicative proceeding shall be heard by the commission, except for brief adjudicative proceedings which ~~((are)) may be~~ conducted by ~~((the chair or the chair's designee))~~ a presiding officer pursuant to WAC 390-37-142. The commission may request through the office of administrative hearings the appointment of an administrative law judge to preside over any adjudicatory proceeding.

(3) The commission or the presiding officer shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Rule on procedural matters, objections, and motions;
- (d) Rule on offers of proof and receive relevant evidence;
- (e) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;
- (f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (h) Take official notice of facts pursuant to RCW 34.05.-452(5);
- (i) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(j) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Issue an order of default pursuant to RCW 34.05.440;

(l) Take any other action necessary and authorized by any applicable statute or rule;

(m) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(n) The commission chair or the chair's designee may conduct the procedural aspects of the adjudicative proceeding under (a) through (m) of this subsection, unless a majority of members present vote to seek a full commission decision on any particular matter.

(4) The commission may decide dispositive motions, and any other matters referred to it by the presiding officer at a prehearing conference.

(5) After an adjudicative proceeding by the commission, the commission may:

(a) Find that the respondent did not violate chapter 42.17A RCW, as alleged, and dismiss the case; or

(b) Find that the respondent violated chapter 42.17A RCW, as alleged, and determine the sanction, if any, to be imposed; or

(c) Find that the respondent is in apparent violation of chapter 42.17A RCW, and that the commission's statutory remedies are inadequate, and enter an order referring the matter to the attorney general or another appropriate law enforcement agency as provided in RCW 42.17A.105 and 42.17A.-755.

(6) Upon the conclusion of an adjudicative proceeding or after submission of memos, briefs or proposed findings when requested by the presiding officer, the commission:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case and enter an order within thirty days, unless extended by the presiding officer due to the complexity of the case or other good cause; and

(b) Shall serve the parties by electronic communication a copy of the findings of fact, conclusions of law and decision and order.

(7) Once the commission has drafted and approved an order, the executive director is authorized to sign orders on behalf of the commission at the discretion of the commission.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

**WAC 390-37-182 Penalty factors.** (1) In assessing a penalty, the commission considers the purposes of chapter 42.17A RCW, including the public's right to know of the financing of political campaigns, lobbying and the financial affairs of elected officials and candidates as declared in the policy of RCW 42.17A.001; and, promoting compliance with the law. The commission also considers and applies RCW 42.17A.755 and may consider any of the additional factors described in subsection (3) of this section.

(2) Under RCW 42.17A.755, the commission:

(a) May waive a penalty for a first-time ~~((actual))~~ violation;

(b) Shall assess a penalty for a second ~~((actual))~~ violation by the same person or individual, regardless if the person or individual committed the violation for a different political committee;

(c) Shall assess successively increased penalties for succeeding ~~((actual))~~ violations pursuant to the following schedule:

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Filed missing report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$3,000

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
<b>Respondent failed to file or timely file accurate and complete campaign disclosure reports:</b>			
<b>Cash Receipts Monetary Contributions Report (C-3 report)</b>			
Filed missing C-3 report or amended C-3 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to timely deposit monetary contributions within five business days of receipt.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to include employer and occupation information for contributors of more than \$100.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
<b>Campaign Summary Receipts and Expenditures Report (C-4 report)</b>			
Filed missing C-4 report or amended C-4 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly report the "purpose" of an expenditure under RCW 42.17A.240(6) or 42.17A.255 (5)(b).	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly report expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to report a contractual contingent liability.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly dispose of surplus funds.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly make campaign books of account available for public inspection as required immediately preceding the date of an election.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
<b>Independent Expenditure Report (C-6 report)</b>			
Filed missing C-6 report or amended C-6 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
<b>Out-of-State Political Committee Report (C-5 report)</b>			
Filed missing C-5 report or amended C-5 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
<b>Last Minute Contribution Report (LMC report)</b>			
Filed missing LMC report or amended LMC report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
<b>Exceeding contribution limits</b>			
Refunded contributions after being notified of the complaint, over limit contributions were not significant, and respondent provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
<b>Other Alleged Violations:</b>			
Exceeding mini reporting threshold			

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Filed C-3 and C-4 reports for full reporting after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
<b>Failure to file electronically</b>			
Filed C-3 and C-4 reports electronically after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
<b>Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition</b>			
Use of public facilities was incidental and isolated, and evidence was not submitted indicating that the use may have affected the outcome of the election.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
<b>Failure to File Lobbyist Registration Report (L-1 report)</b>			
Filed missing L-1 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
<b>Failure to File Agency Lobbying Report (L-5 report)</b>			
Filed missing L-5 report or amended L-5 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
<b>Grassroots Lobbying Report (L-6 report)</b>			
Filed missing L-6 report or amended L-6 report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
<b>Sponsor identification requirements for political advertising</b>			
Political advertising failed to include any sponsor identification or included improper or misleading sponsor identification.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
<b>Party preference requirement for political advertising</b>			
Political advertising failed to include a candidate's party preference.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
<b>Use of current picture requirement in political advertising</b>			
Political advertising fails to include at least one picture of the candidate used in the advertising that was taken within the last five years, that is no smaller than any other picture of the same candidate used in the same advertisement.	\$0 - \$500	\$500 - \$1,000	\$1,000 - \$1,500
<b>Political advertising or electioneering communication—Libel or defamation per se</b>			
Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 report) / (2) Candidate Registration / (C-1 report) / (3) Lobbyist Monthly Expense Report (L-2 report) / (4) Lobbyist Employer Annual Report (L-3 report) and (5) Local Treasurer's Annual Report (T-1 report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Commercial advertisers—Public inspection of documents</b>			
Commercial advertisers who after accepting or providing political advertising or electioneering communications during an election campaign fail to maintain documents or books of account as required by WAC 390-18-050.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Candidates and political committees—Public inspection of books of account</b>			
Candidates or political committees who fail to accommodate requests for public inspections as required by WAC 390-16-043.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
<b>Limitations on employers or labor organizations</b>			
Failed to maintain open for public inspection, during normal business hours, documents and books of accounts showing a copy of each employee's request for funds to be withheld for transfer to a political committee.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400

(3) In addition to the requirements of RCW 42.17A.755, the commission may consider the nature of the violation and any relevant circumstances, including the following factors:

(a) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(b) The impact on the public, including whether the non-compliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(c) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;

(d) Amount of financial activity by the respondent during the statement period or election cycle;

(e) Whether the noncompliance resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Whether the respondent or any person, including an entity or organization, benefited politically or economically from the noncompliance;

(h) Personal emergency or illness of the respondent or member of his or her immediate family;

(i) Other emergencies such as fire, flood, or utility failure preventing filing;

(j) PDC staff or equipment error, including technical problems at the PDC preventing or delaying electronic filing;

(k) The respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions;

(l) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or overlimit contributions);

(m) Whether the respondent is a first-time filer;

(n) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(o) Penalties imposed in factually similar cases; and

(p) Other factors relevant to a particular case.

(4) The commission may consider the factors in subsections (1) through (3) of this section in determining whether to

suspend a portion or all of a penalty upon identified conditions, and whether to accept, reject, or modify a stipulated penalty amount recommended by the parties.

(5) Notwithstanding the above schedule, the commission may assess a penalty of up to ten thousand dollars per violation pursuant to RCW 42.17A.755, based on the aggravating factors set forth in subsections (1) through (3) of this section.

**WSR 19-16-111**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed August 5, 2019, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-131 on May 22, 2019.

Title of Rule and Other Identifying Information: WAC 220-414-080 Hunting—Hunter orange clothing requirements, 220-415-030 Deer special permits, 220-415-050 2018-2020 Elk general seasons and definitions, and 220-415-060 2019 Elk special permits.

Hearing Location(s): On September 27, 2019, at 8:30 a.m., conference call. This meeting will take place by telephone conference call. The public may listen to the discussion. Please contact commission staff at 360-902-2267 or [commission@dfw.wa.gov](mailto:commission@dfw.wa.gov) to obtain call-in information no later than 3 p.m. on September 26, 2019.

Date of Intended Adoption: September 27, 2019.

Submit Written Comments to: Wildlife Program, P.O. Box 43131, Olympia, WA 98504, email [wildthing@dfw.wa.gov](mailto:wildthing@dfw.wa.gov), fax 360-902-2162, <https://www.surveymonkey.com/r/WWRTCK9>, by August 8 through 29, 2019.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2349, TTY 360-902-2207, email [dolores.noyes@dfw.wa.gov](mailto:dolores.noyes@dfw.wa.gov), by September 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules were affected by the passage of SB 5148 during the 2019 legislative session, which requires the commission to adopt rules allowing hunters to wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

Reasons Supporting Proposal: Dictated by statute.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; and Enforcement: 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 rule proposal does not require a cost-benefit analysis.

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 rule content is explicitly and specifically dictated by statute.

August 5, 2019  
Jacalyn M. Hursey  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements.** (1) It is unlawful to hunt upland birds or rabbits with a firearm, other than a muzzleloading firearm, during any upland game bird season unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(2) It is unlawful to hunt big game, except bear and cougar, with modern firearm equipment at any time in any manner unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(3) It is unlawful to hunt wildlife, except migratory birds, during those times and in those places open to taking of deer or elk during nonmaster hunter, modern firearm general seasons, unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(4) Wearing fluorescent hunter (~~orange~~) clothing means: A minimum of 400 square inches of fluorescent hunter orange and/or fluorescent hunter pink exterior clothing, worn above the waist and visible from all sides. A combination of both colors may be worn to meet the 400 square inches.

(5) A violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-415-030 2019 Deer special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Deer Special Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 20-24	Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 20-24	3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 20-24	3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 20-24	3 pt. min.	GMU 133	5
Steptoe	Modern	Any	Nov. 20-24	3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 20-24	3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1009	5
Ten Forty	Modern	Any	Nov. 4-10	White-tailed deer, 3 pt. min.	Deer Area 1040	2
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	20
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	12
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	18
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	7
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	20
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	8
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	15
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	9
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	7
Desert	Modern	Any	Oct. 19-27	Any buck	GMU 290	18
Desert	Modern	Any	Nov. 9-17	Any buck	GMU 290	5
Naneum	Modern	Any	Nov. 11-17	Any buck	GMU 328	14
Quilomene	Modern	Any	Nov. 4-17	Any buck	GMU 329	17

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Teanaway	Modern	Any	Nov. 11-17	Any buck	GMU 335	24
L.T. Murray	Modern	Any	Nov. 11-17	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	Nov. 4-17	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. 4-17	Any buck	GMU 368	10
Alkali	Modern	Any	Nov. 2-17	Any buck	GMU 371	8
Grayback	Modern	Any	Nov. 7-26	3 pt. min.	GMU 388	20
Nooksack	Modern	Any	Nov. 1-13	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. 1-18	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 1-13	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 1-18	Any buck	GMU 448	12
Snoqualmie	Modern	Any	Nov. 1-18	Any buck	GMU 460	10
Green River	Any tag	Any	Nov. 2-8	Any buck	GMU 485	5
Lincoln	Modern	Any	Nov. 1-13	Any buck	GMU 501	4
Mossyrock	Modern	Any	Nov. 1-13	Any buck	GMU 505	4
Willapa Hills	Modern	Any	Nov. 1-13	Any buck	GMU 506	4
Stormking	Modern	Any	Nov. 1-13	Any buck	GMU 510	1
South Rainier	Modern	Any	Nov. 1-13	Any buck	GMU 513	1
Packwood	Modern	Any	Nov. 1-13	Any buck	GMU 516	1
Winston	Modern	Any	Nov. 1-13	Any buck	GMU 520	4
Ryderwood	Modern	Any	Nov. 1-13	Any buck	GMU 530	4
Coweeman	Modern	Any	Nov. 1-13	Any buck	GMU 550	4
Toutle	Modern	Any	Nov. 1-13	Any buck	GMU 556	1
Lewis River	Modern	Any	Nov. 1-13	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. 1-13	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. 1-13	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. 11-26	Any buck	GMU 574	20
West Klickitat	Modern	Any	Nov. 11-26	3 pt. min.	GMU 578	15
Mason	Modern	Any	Nov. 1-13	Any buck	GMU 633	10
Wynoochee	Modern	Any	Nov. 1-13	Any buck	GMU 648	8
Satsop	Modern	Any	Nov. 1-13	Any buck	GMU 651	10
White River	Modern	Any	Nov. 1-13	Any buck	GMU 653	10
Mashel	Modern	Any	Nov. 1-13	Any buck	GMU 654	10
Minot Peak	Modern	Any	Nov. 1-13	Any buck	GMU 660	4
Capitol Peak	Modern	Any	Nov. 1-13	Any buck	GMU 663	7
Skookumchuck	Modern	Any	Nov. 1-13	Any buck	GMU 667	10
Fall River	Modern	Any	Nov. 1-13	Any buck	GMU 672	4
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	8
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	2
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	30
Desert	Archery	Any	Sept. 1 - Oct. 5	Any buck	GMU 290	10
Desert	Archery	Any	Nov. 23 - Dec. 8	Any buck	GMU 290	10
Naneum	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 328	7
Quilomene	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 329	9
Teanaway	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 335	10
Kitsap	Archery	Any	Nov. 1-13	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. 1-13	Any buck	GMU 636	10
Skookumchuck	Archery	Any	Nov. 1-13	Any buck	GMU 667	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	70

<b>Quality</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Alta	Muzzleloader	Any	Nov. 21-30	Any buck	GMU 242	15
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	9
Desert	Muzzleloader	Any	Oct. 5-13	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. 4-10	Any buck	GMU 335	5
L.T. Murray	Muzzleloader	Any	Nov. 4-10	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	Nov. 4-17	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	Nov. 4-10	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	Sept. 28 - Oct. 6	Any buck	GMU 329	2
Olympic	Muzzleloader	Any	Nov. 1-13	Any buck	GMU 621	10

<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Palouse	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 163, 166	110
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172 (except Deer Area 1040), 178, 181	50
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	25
Ten Forty	Modern	Any	Oct. 12-20	3 pt. min.	Deer Area 1040	2
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 204	40
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 215	40
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 233	15
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 239	15
Alta	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 242	15
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	9
Simcoe	Modern	Any	Oct. 12-22	3 pt. min.	Deer Area 5382	3
Hoko	Modern	Any	Nov. 1-13	Any buck	GMU 601	5
Sol Duc	Modern	Any	Nov. 1-13	Any buck	GMU 607	5
Goodman	Modern	Any	Nov. 1-13	Any buck	GMU 612	5
Clearwater	Modern	Any	Nov. 1-13	Any buck	GMU 615	5
Quinault Ridge	Modern	Any	Nov. 1-13	Any buck	GMU 638	2
North River	Modern	Any	Nov. 1-13	Any buck	GMU 658	5
Williams Creek	Modern	Any	Nov. 1-13	Any buck	GMU 673	7
Bear River-Long Beach	Modern	Any	Nov. 1-13	Any buck	GMUs 681, 684	2
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 19 - Dec. 1	Any white-tailed buck	Deer Area 1031	5
Ten Forty	Archery	Any	Sept. 1-15	3 pt. min.	Deer Area 1040	2
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-8	Any buck	GMU 284	24
Alkali	Archery	Any	Sept. 1-22	Any buck	GMU 371	3
Whitcomb	Archery	Any	Oct. 1-10	Any buck	Deer Area 3071	10
Paterson	Archery	Any	Oct. 1-10	Any buck	Deer Area 3072	10
Simcoe	Archery	Any	Sept. 1-27	3 pt. min.	Deer Area 5382	3
West Klickitat	Archery	Any	Nov. 27 - Dec. 2	3 pt. min.	GMU 578	20



<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Whitcomb	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3072	5
Parker Lake	Muzzleloader	Any	Oct. 1-31 and Dec. 2-14	Any white-tailed deer	Deer Area 1031	5
Blue Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 154	10
Dayton	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 162	15
Marengo	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 163	10
Tucannon	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 169	20
Mountain View	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 172 (except Deer Area 1040)	15
Ten Forty	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	Deer Area 1040	2
Peola	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 178	10
Ritzville	Muzzleloader	Any	Nov. 23-29	Any buck	GMU 284	2
Alkali	Muzzleloader	Any	Sept. 23 - Oct. 13	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	Sept. 28 - Oct. 6	Any buck	GMU 381	20
Simcoe	Muzzleloader	Any	Nov. 20-30	3 pt. min.	Deer Area 5382	3
West Klickitat	Muzzleloader	Any	Dec. 3-8	3 pt. min.	GMU 578	20
Dickey	Muzzleloader	Any	Nov. 1-13	Any buck	GMU 602	5
Copalis-Matheny	Muzzleloader	Any	Nov. 1-13	Any buck	GMUs 618, 642	5

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	40
Mayview	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 145	25
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	50
Prescott	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	50
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	100
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	15
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	50
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	5
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	40
Couse	Modern	Any	Nov. 1-12	Antlerless	GMU 181	25
Lincoln	Modern	Any	Oct. 12-31	Antlerless	GMU 501	15
Mossyrock	Modern	Any	Oct. 12-31	Antlerless	GMU 505	30
Winston	Modern	Any	Oct. 12-31	Antlerless	GMU 520	20
Ryderwood	Modern	Any	Oct. 12-31	Antlerless	GMU 530	10
Olympic	Modern	Any	Oct. 12-31	Antlerless	GMU 621	15
Coyle	Modern	Any	Oct. 12-31	Antlerless	GMU 624	20
Kitsap	Modern	Any	Oct. 12-31	Antlerless	GMU 627	10
Mason	Modern	Any	Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	Any	Oct. 12-31	Antlerless	GMU 636	5
Wynoochee	Modern	Any	Oct. 12-31	Antlerless	GMU 648	20
Satsop	Modern	Any	Oct. 12-31	Antlerless	GMU 651	15
Mashel	Modern	Any	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Any	Oct. 12-31	Antlerless	GMU 658	15
Minot Peak	Modern	Any	Oct. 12-31	Antlerless	GMU 660	15
Capitol Peak	Modern	Any	Oct. 12-31	Antlerless	GMU 663	12
Skookumchuck	Modern	Any	Oct. 12-31	Antlerless	GMU 667	20
Williams Creek	Modern	Any	Oct. 12-31	Antlerless	GMU 673	5

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mashel	Archery	Any	Oct. 20-30	Antlerless	GMU 654	10
Whitcomb	Archery	Any	Oct. 20-30	Antlerless	Deer Area 3071	10
Paterson	Archery	Any	Oct. 20-30	Antlerless	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10
Washtucna	Muzzleloader	Any	Nov. 25 - Dec. 8	Antlerless	GMUs 139, 142, 284, 381	200
Prescott	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 149	25
Blue Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 154	20
Ten Ten	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	Deer Area 1010	20
Marengo	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 163	10
Peola	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 178	10
Mossyrock	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 505	10
Winston	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 520	5
Ryderwood	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 530	10
Coweeman	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 550	10
Yale	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 554	2
Olympic	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 621	20
Coyle	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 624	15
Kitsap	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 627	10
Mason	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 633	35
Skokomish	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 636	15
Wynoochee	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 648	15
Satsop	Muzzleloader	Any	Nov. 27 - Dec. 15	Antlerless	GMU 651	15
Mashel	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 654	20
North River	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 658	15
Minot Peak	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 663	18
Williams Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 673	5

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Benge	Any	Any	Dec. 9-31	Antlerless	Deer Area 2010	30
Lakeview	Any	Any	Jan. 1-30, 2020	Antlerless	Deer Area 2011	15
Methow	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2012	10
North Okanogan	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2013	10
Central Okanogan	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2014	10
Omak	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2015	10
Conconully	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2016	10
Lake Chelan North	Any	Any	Aug. 1-31	Antlerless	Deer Area 2017	45
North Issaquah	Any	Any	Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Mt. Spokane	Modern	Any	Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	350
Mica Peak	Modern	Any	Oct. 12-22	Antlerless	GMU 127	100
Cheney	Modern	Any	Oct. 12-22	Antlerless	GMU 130	150
Roosevelt	Modern	Any	Oct. 12-22	Antlerless	GMU 133	100
Harrington	Modern	Any	Oct. 12-22	Antlerless	GMU 136	150
Washtucna	Modern	Any	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	350

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	15
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	30
Ten Ten	Modern	Any	Nov. 9-19	White-tailed, antlerless	Deer Area 1010	15
East Okanogan	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 204	45
Sinlahekin	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 215	40
Chewuch	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 218	10
Pearrygin	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 224	10
Gardner	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 233	10
Chiliwist	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 239	10
Alta	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 242	10
Big Bend	Modern	Any	Oct. 12-22	Antlerless	GMU 248	20
St. Andrews	Modern	Any	Oct. 12-22	Antlerless	GMU 254	15
Foster Creek	Modern	Any	Oct. 12-22	Antlerless	GMU 260	15
Withrow	Modern	Any	Oct. 12-22	Antlerless	GMU 262	15
Badger	Modern	Any	Oct. 12-22	Antlerless	GMU 266	15
Desert	Modern	Any	Dec. 10-25	Antlerless	GMU 290	25
Kahlotus	Modern	Any	Dec. 9-17	Antlerless	GMU 381	10
Orcas	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 411	60
Shaw	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 412	30
San Juan	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 413	50
Lopez	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 414	60
Blakely	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 415	30
Decatur	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 416	5
Cypress	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 417	30
Guemes	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 419	20
Whidbey	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 420	150
Camano	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 421	30
Vashon-Maury	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 422	200
Anderson	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 655	40
Deschutes	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 124	100
Mica Peak	Archery	Any	Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 127	75
Clarkston	Archery	Any	Nov. 20 - Dec. 31	Antlerless	Deer Area 1021	20
Orcas	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 411	40
Shaw	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 412	20

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
San Juan	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 413	30
Lopez	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 414	30
Blakely	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 415	20
Decatur	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 416	5
Cypress	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 417	20
Guemes	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 419	10
Whidbey	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 420	50
Camano	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 421	25
Miller	Archery	Any	Dec. 16-31	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 124	125
Cheney	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 130	25
Roosevelt	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 136	25
Mayview	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 145	10
Foster Creek	Muzzleloader	Any	Sept. 29 - Oct. 7	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	Sept. 29 - Oct. 7	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Orcas	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 411	20
Shaw	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 412	20
San Juan	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 413	20
Lopez	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 414	20
Blakely	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 415	10
Decatur	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 416	5
Cypress	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 419	10
Whidbey	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 420	20
Camano	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 421	20
Anderson	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 655	5

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Youth	Oct. 12-22	Any deer	GMUs 139, 142, 284, 381	100
Blue Mtns. Foothills West	Modern	Youth	Oct. 12-22	Antlerless	GMUs 149, 154, 163, Deer Area 1010	60
Blue Mtns. Foothills East	Modern	Youth	Oct. 12-22	Antlerless	GMUs 145, 172 (except Deer Area 1040), 178, 181	40
Mayview	Modern	Youth	Oct. 12-22	Any deer	GMU 145	15
Prescott	Modern	Youth	Oct. 12-22	Any deer	GMU 149	20
Peola	Modern	Youth	Oct. 12-22	Any deer	GMU 178	20
Tucannon	Modern	Youth	Oct. 12-22	White-tailed, antlerless	GMU 166	10
Ten Forty	Modern	Youth	Oct. 12-20	Antlerless	Deer Area 1040	5
Couse	Modern	Youth	Oct. 12-22	Antlerless	GMU 181	15
Couse	Modern	Youth	Oct. 12-22	Any deer	GMU 181	5
East Okanogan	Modern	Youth	Oct. 12-22	Antlerless	GMU 204	20
Wannacut	Modern	Youth	Oct. 12-22	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. 12-22	Antlerless	GMU 215	10
Chewuch	Modern	Youth	Oct. 12-22	Antlerless	GMU 218	10
Pearygin	Modern	Youth	Oct. 12-22	Antlerless	GMU 224	10
Gardner	Modern	Youth	Oct. 12-22	Antlerless	GMU 231	10
Pogue	Modern	Youth	Oct. 12-22	Antlerless	GMU 233	10
Chiliwist	Modern	Youth	Oct. 12-22	Antlerless	GMU 239	10
Alta	Modern	Youth	Oct. 12-22	Antlerless	GMU 242	10
Chiwawa	Modern	Youth	Oct. 12-22	Antlerless	GMU 245	3
Entiat	Modern	Youth	Oct. 12-22	Antlerless	GMU 247	3
Swakane	Modern	Youth	Oct. 12-22	Antlerless	GMU 250	3
Mission	Modern	Youth	Oct. 12-22	Antlerless	GMU 251	5
Bridgeport	Modern	Youth	Oct. 12-22	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. 12-22	Antlerless	GMUs 266, 269	20
Beezley	Modern	Youth	Oct. 12-22	Any deer	GMU 272	50
Benge	Modern	Youth	Oct. 26 - Nov. 3	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	Dec. 7-22	Antlerless	GMU 290	5
Horse Heaven Hills	Modern	Youth	Oct. 12-22	Antlerless	GMU 373	10
Ringold	Modern	Youth	Oct. 12-22	Antlerless	GMU 379	10
Simcoe	Modern	Youth	Oct. 12-22	Any deer	Deer Area 5382	2
East Klickitat	Modern	Youth	Oct. 12-22	Any buck	GMU 382 (except <b>CLOSED</b> in Deer Area 5382)	5
East Klickitat	Modern	Youth	Oct. 12-22	Antlerless	GMU 382 (except <b>CLOSED</b> in Deer Area 5382)	5
Grayback	Modern	Youth	Oct. 12-22	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. 12-22	Antlerless	GMU 388	5
Green River	Modern	Youth	Nov. 2-8	Any buck	GMU 485	5
Lincoln	Modern	Youth	Oct. 12-31	Antlerless	GMU 501	10
Randle	Modern	Youth	Oct. 12-31	Antlerless	GMU 503	5
Mossyrock	Modern	Youth	Oct. 12-31	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. 12-31	Antlerless	GMU 510	5
South Rainier	Modern	Youth	Oct. 12-31	Antlerless	GMU 513	5
Packwood	Modern	Youth	Oct. 12-31	Antlerless	GMU 516	5
Winston	Modern	Youth	Oct. 12-31	Antlerless	GMU 520	10

<b>Youth</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Ryderwood	Modern	Youth	Oct. 12-31	Antlerless	GMU 530	10
Coweeman	Modern	Youth	Oct. 12-31	Antlerless	GMU 550	10
Yale	Modern	Youth	Oct. 12-31	Antlerless	GMU 554	10
Toutle	Modern	Youth	Oct. 12-31	Antlerless	GMU 556	10
Lewis River	Modern	Youth	Oct. 12-31	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. 12-31	Antlerless	GMU 568	5
Siouxon	Modern	Youth	Oct. 12-31	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. 12-31	Antlerless	GMU 574	5
West Klickitat	Modern	Youth	Oct. 12-31	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. 12-31	Antlerless	GMU 578	5
Pysht	Modern	Youth	Nov. 1-13	Any buck	GMU 603	5
Olympic	Modern	Youth	Oct. 5-31	Any deer	GMU 621	15
Coyle	Modern	Youth	Oct. 7-31	Any deer	GMU 624	10
Kitsap	Modern	Youth	Oct. 7-31	Any deer	GMU 627	10
Mason	Modern	Youth	Nov. 1-13	Any deer	GMU 633	25
Skokomish	Modern	Youth	Oct. 7-31	Any deer	GMU 636	10
Wynoochee	Modern	Youth	Oct. 7-31	Any deer	GMU 648	12
Satsop	Modern	Youth	Oct. 7-31	Any deer	GMU 651	10
Mashel	Modern	Youth	Oct. 5-31	Antlerless	GMU 654	15
North River	Modern	Youth	Oct. 5-31	Antlerless	GMU 658	10
Minot Peak	Modern	Youth	Oct. 7-31	Any deer	GMU 660	6
Minot Peak	Modern	Youth	Nov. 1-13	Any buck	GMU 660	4
Capitol Peak	Modern	Youth	Oct. 7-31	Any deer	GMU 663	8
Skookumchuck	Modern	Youth	Oct. 5-31	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	Oct. 5-31	Any buck	GMU 667	20
East Okanogan	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 204	5
Wannacut	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 233	5
Chiliwist	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 239	5
Alta	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 242	5
Mission	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 5	Any	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>

<b>Senior 65+</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Washtucna	Modern	65+	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	65+	Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	30
East Okanogan	Modern	65+	Oct. 12-22	Antlerless	GMU 204	5
Wannacut	Modern	65+	Oct. 12-22	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. 12-22	Antlerless	GMU 215	5
Chewuch	Modern	65+	Oct. 12-22	Antlerless	GMU 218	5
Pearygin	Modern	65+	Oct. 12-22	Antlerless	GMU 224	5
Gardner	Modern	65+	Oct. 12-22	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. 12-22	Antlerless	GMU 233	5
Chiliwist	Modern	65+	Oct. 12-22	Antlerless	GMU 239	5

<b>Senior 65+</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Alta	Modern	65+	Oct. 12-22	Antlerless	GMU 242	5
Chiwawa	Modern	65+	Oct. 12-22	Antlerless	GMU 245	5
Entiat	Modern	65+	Oct. 12-22	Antlerless	GMU 247	5
Swakane	Modern	65+	Oct. 12-22	Antlerless	GMU 250	5
Mission	Modern	65+	Oct. 12-22	Antlerless	GMU 251	5
Bridgeport	Modern	65+	Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	65+	Oct. 12-22	Antlerless	GMUs 266, 269	5
Rattlesnake Hills	Modern	65+	Oct. 12-22	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. 12-22	Antlerless	GMU 373	10
East Klickitat	Modern	65+	Oct. 12-22	Antlerless	GMU 382 (except CLOSED in Deer Area 5382)	2
North Issaquah	Any	65+	Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Lincoln	Modern	65+	Oct. 12-31	Antlerless	GMU 501	5
Mossyrock	Modern	65+	Oct. 12-31	Antlerless	GMU 505	5
Stormking	Modern	65+	Oct. 12-31	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. 12-31	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. 12-31	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. 12-31	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. 12-31	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. 12-31	Antlerless	GMU 556	5
Lewis River	Modern	65+	Oct. 12-31	Antlerless	GMU 560	2
Washougal	Modern	65+	Oct. 12-31	Antlerless	GMU 568	2
Siouxon	Modern	65+	Oct. 12-31	Antlerless	GMU 572	2
Wind River	Modern	65+	Oct. 12-31	Antlerless	GMU 574	2
West Klickitat	Modern	65+	Oct. 12-31	Antlerless	GMU 578	2
Olympic	Modern	65+	Oct. 12-31	Antlerless	GMU 621	10
Coyle	Modern	65+	Oct. 12-31	Antlerless	GMU 624	5
Kitsap	Modern	65+	Oct. 12-31	Antlerless	GMU 627	5
Mason	Modern	65+	Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	65+	Oct. 12-31	Antlerless	GMU 636	10
Wynoochee	Modern	65+	Oct. 12-31	Antlerless	GMU 648	10
Satsop	Modern	65+	Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	65+	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	65+	Oct. 12-31	Antlerless	GMU 658	10
Minot Peak	Modern	65+	Oct. 12-31	Antlerless	GMU 660	10
Capitol Peak	Modern	65+	Oct. 12-31	Antlerless	GMU 663	12

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Washtucna	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	20
East Okanogan	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 204	5
Wannacut	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 209	5
Sinlahekin	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 215	5

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Chewuch	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 218	5
Pearrygin	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 224	5
Gardner	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 231	5
Pogue	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 233	5
Chiliwist	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 239	5
Alta	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 242	5
Chiwawa	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 245	3
Entiat	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 247	3
Mission	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 251	3
Saint Andrews	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 272	10
Ritzville	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 284	10
Horse Heaven Hills	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Oct. 28 - Nov. 5	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 382 (except <b>CLOSED</b> in Deer Area 5382)	2
North Issaquah	Any	Hunter with Disability	Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Lincoln	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 501	2
Mossyrock	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 560	1



<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Washougal	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 568	2
Siouxon	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 572	1
Wind River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 578	1
Olympic	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 621	10
Kitsap	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 627	5
Mason	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 633	5
Skokomish	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 636	10
Satsop	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 658	5
Minot Peak	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 660	5
Capitol Peak	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 672	5
Fall River	Modern	Hunter with Disability	Nov. 1-13	Any buck	GMU 672	6
Wind River	Archery	Hunter with Disability	Sept. 1-28	Antlerless	GMU 574	1
West Klickitat	Archery	Hunter with Disability	Sept. 1-28	Antlerless	GMU 578	1
East Okanogan	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 204	5
Sinlahekin	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 215	5
Gardner	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 231	5
Chiwawa	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 245	3
Entiat	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 247	3
Mission	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Saint Andrews	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMUs 248, 260	5
Palisades	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMUs 266, 269	5
Olympic	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 621	10

<b>Hunters with Disabilities</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mason	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 633	5
Skokomish	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 636	5
Wynoochee	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 648	5
Satsop	Muzzleloader	Hunter with Disability	Nov. 27 - Dec. 15	Antlerless	GMU 651	10
North River	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 658	5
Capitol Peak	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 663	8
Skookumchuck	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 667	10

**Master Hunter** - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 1	30 <sup>HC</sup>
Region 1	Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 1	20 <sup>HC</sup>
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 3	40 <sup>HC</sup>
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	July 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 6	10 <sup>HC</sup>

**Hunter Education Instructor Incentive Permits**

- Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify.
  - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.
  - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.
  - Permittees may purchase a second license for use with the permit hunt only.
- Qualified hunter education instructors may only receive one incentive permit each year.

Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	2
Region 2		Any white-tailed deer	GMUs 204, 215, 233, 239	1
Region 2		Any white-tailed deer	GMUs 218, 224, 231, 242	1
Region 2		Any deer	GMUs 218, 231	1
Region 2		Any deer	GMUs 245, 247	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368	2
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	2
Region 5		Any deer	All 500 series GMUs EXCEPT GMU 522	4
Region 6		Any deer	Any 600 series GMU	2

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-415-050 2018-2020 Elk general seasons and definitions.** It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Bag Limit:** One (1) elk per hunter during the license year, except where otherwise permitted by department rule. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

**Hunting Method:** Elk hunters must select only one of the hunting methods: Modern firearm, archery, or muzzleloader.

**Elk Tag Areas:** Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

**Any Bull Elk Seasons:** Open only to the taking of elk with visible antlers; bull calves are illegal.

**Antler Point:** To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

**Branch:** A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

**Spike Bull Antler Restrictions:** Bull elk taken in spike-only game management units (GMUs) must have at least one antler with no branches originating more than 4 inches above where the antler attaches to the skull.

**Spike-only GMUs:** 145-154, 162-186, 249, and 336-368.

**True Spike - Bull Antler Restrictions:** Neither antler of bull elk taken in GMUs 251, and 328-335 can have branching originating more than 4 inches above where the antlers attach to the skull. Under the true-spike restriction, taking an elk that has two points on one side or antler points within one inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 77.15.160. All other types of violations of the true-spike restriction are subject to

current penalties and assessments under RCW 77.15.410 and 77.15.420.

**True-spike GMUs:** 251, 328-335.

**3-point Antler Restrictions:** Legal bull elk must have at least 3 antler points on one side. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

**3-point GMUs:** All of Western Washington, except for GMUs 448, 454, 564, 652 for archers, 666, 684, and Elk Area 4941.

**Permit-only Units:** The following GMUs are closed to elk hunting during general elk seasons: 157, 371, 418, 485, 522, 556, 621, 636, and 653.

**GMUs Closed to Elk Hunting:** 437 (except for Elk Area 4941) and 490.

**Areas with Special Restrictions:** There are modern firearm restrictions in GMU 334 and portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6064 in GMU 638 (Quinalt) is open to master hunters only.

**Elk Tag Areas**

**Eastern Washington:** All 100, 200, and 300 GMUs.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

**Western Washington:** All 400, 500, and 600 GMUs.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

**Modern Firearm General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid modern firearm elk tag as listed below for the area hunted.

**Hunting Method:** May use modern firearm, bow and arrow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Any bull
		145 through 154, 162 through 169, 172 (except Elk Area 1040), 175 through 186, 249, 336 through 368	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Spike bull
		251, 328, 329, 334, 335	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	True spike bull
		Elk Area 3722*	Sept. 8-23	Sept. 7-22	Sept. 12-27	Antlerless only
		124 through 142, 372, 382, 388	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.						
Western Washington	WF	460, 466, 503, 505 through 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except master hunters only in Elk Area 6064 portion of GMU 638), 642 through 651, 652 (except for Elk Area 6014), 654 through 660, 667 through 684.	Nov. 3-14	Nov. 2-13	Nov. 7-18	3 pt. min.
		501, 504, 663, Elk Area 6014	Nov. 3-14	Nov. 2-13	Nov. 7-18	3 pt. min. or antlerless
		407, 448, 564, 666	Nov. 3-14	Nov. 2-13	Nov. 7-18	Any elk
		454	Nov. 3-14	Nov. 2-13	Nov. 7-18	Any bull

**Archery General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid archery elk tag as listed below for the area hunted.

**Hunting Method:** Bow and arrow only, as defined under WAC 220-414-070.

**Special Notes:** Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 220-414-070). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
<b>Early Archery General Elk Seasons</b>						
Eastern Washington	EA	101 through 142, 204, 243, 247, 249, 250, 373, 379, 381, 388	Sept. 8-20	Sept. 7-19	Sept. 12-24	Any elk
		162, 166, 169, 172 (except Elk Area 1040), 175, 186, 336, 340, 352, 356, 364	Sept. 8-20	Sept. 7-19	Sept. 12-24	Spike bull
		328, 329, 336, 340, 352, 356, 364	Sept. 15-20	Sept. 14-19		Antlerless
		328, 329	Sept. 8-20	Sept. 7-19	Sept. 12-24	True spike bull
		334, 335	Sept. 8-20	Sept. 7-19	Sept. 12-24	True spike bull or antlerless
		145, 149, 154, Elk Area 1010, Elk Area 1013, 163, 178, 181	Sept. 8-20	Sept. 7-19	Sept. 12-24	Spike bull or antlerless
Western Washington	WA	407, 448, 454, 564, 666, 684, Elk Area 6014	Sept. 8-20	Sept. 7-19	Sept. 12-24	Any elk
		501 through 505, 520, 550, 554, 560, 568, 572, 574, 578, Elk Area 6061, 652 (except Elk Area 6013 closed to antlerless), 654, 660, 663, 667 through 673, 681, 699	Sept. 8-20	Sept. 7-19	Sept. 12-24	3 pt. min. or antlerless

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		460, 466, 506, 510, 513, 516, 524 (except <b>CLOSED</b> in Elk Area 5066), 530, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through 651, 658	Sept. 8-20	Sept. 7-19	Sept. 12-24	3 pt. min.
<b>Late Archery General Elk Seasons</b>						
<b>Eastern Washington</b>	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		Elk Area 1010, 163	Dec. 9 - Jan. 30, 2019	Dec. 9 - Jan. 30, 2020	Dec. 9 - Jan. 30, 2021	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange and/or hunter pink.	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		328, 334, 335	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	True spike bull or antlerless
		336, 342, 346, 352, 364, Elk Area 3681	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	Spike bull or antlerless
<b>Western Washington</b>	WA	Elk Area 4601, 503, 505, 506, 530, 652 (except Elk Area 6013 closed to antlerless), 663, 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min. or antlerless
		407	Nov. 21 - Jan 20, 2019	Nov. 27 - Jan 20, 2020	Nov. 25 - Jan 20, 2021	Any elk
		448, 454, 564, 666	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	Any elk
		603, 612, 615, 638 (except for Elk Area 6064), 648	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min.
		*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.				

**Muzzleloader General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid muzzleloader elk tag as listed below for the area hunted.

**Hunting Method:** Muzzleloader, as defined under WAC 220-414-060, or bow and arrow, as defined under WAC 220-414-070.

**Special Notes:** Muzzleloader tag holders can only hunt during the muzzleloader seasons. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
<b>Early Muzzleloader General Elk Seasons</b>						
<b>Eastern Washington</b>	EM	101 through 121, 204, 247	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any bull
		124 through 142, 245, 250	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any elk
		145, 149, 154, 162, 163, 166, 172 (except Elk Area 1040), 175, 178, 181, 336 through 342, 352 through 368	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		328, 329, 334, 335, Elk Area 2051	Oct. 6-12	Oct. 5-11	Oct. 3-9	True spike bull
Western Washington	WM	407, 448, 454, 564, 666, 684	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any elk
		460, 466, 506, 510, 513, 516, 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 672, 673, 681	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min.
		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), Elk Area 6014, 654, 663, 667, Elk Area 4601	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min. or antlerless
<b>Late Muzzleloader General Elk Seasons</b>						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange and/or hunter pink.	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WM	407	Nov. 21 - Jan. 20, 2019	Nov. 27 - Jan. 20, 2020	Nov. 25 - Jan. 20, 2021	Any elk
		501, 503, 504, 505, 578, 652 (except Elk Area 6013 closed to antlerless), 667	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	Any elk
		568, 574	Nov. 21-30	Nov. 27-30	Nov. 25-30	3 pt. min.
		601, 618, 651, 658	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min.

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-415-060 2019 Elk special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Special Elk Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	Sept. 29 - Oct. 6 and Nov. 16 - Dec. 5	Any bull	Elk Area 1015	1
Prescott	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 149	2
Blue Creek	EF	Any	Sept. 23-27	Any bull	GMU 154	1
Blue Creek	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 154	10

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Watershed	EA, EF, EM	Any	Oct. 26 - Nov. 3	3 pt. min.	GMU 157	40
Dayton	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 162	6
Ten Ten	EF	Any	Sept. 23-27	Any bull	Elk Area 1010, GMU 163	1
Ten Ten	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1010, GMU 163	2
Tucannon	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 166	13
Wenaha West	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1008	6
Wenaha East	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1009	6
Mountain View	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 172, EXCEPT Elk Area 1040	11
Ten Forty	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1040	2
Lick Creek	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 175	2
Peola	EF	Any	Sept. 23-27	Any bull	GMUs 178, 145	1
Peola	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 178, 145	2
Couse	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 181	4
Mission	EF	Any	Sept. 21-29	Any bull	GMU 251	4
Colockum	EF	Any	Sept. 23-27	Any bull	GMUs 328, 329, 334	1
Colockum	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 328, 329, 334	24
Teanaway	EF	Any	Sept. 23-27	Any bull	GMU 335	2
Peaches Ridge	EF	Any	Sept. 23-27	Any bull	GMUs 336, 346	3
Observatory	EF	Any	Sept. 23-27	Any bull	GMUs 334, 340, 342	3
Little Naches	EF	Any	Sept. 28 - Oct. 6	Any bull	GMU 346	4
Goose Prairie	EF	Any	Sept. 23-27	Any bull	GMUs 352, 356	3
Bethel	EF	Any	Sept. 23-27	Any bull	GMU 360	3
Rimrock	EF	Any	Sept. 23-27	Any bull	GMU 364	3
Cowiche	EF	Any	Sept. 23-27	Any bull	GMU 368	3
Nooksack	WF	Any	Oct. 5-31 and Dec. 16-31	Any bull	GMU 418	12
Green River	WF, WA, WM	Any	Nov. 2-8	Any bull	GMU 485	10
Wahkiakum	WF	Any	Sept. 23-27	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	Sept. 23-27	Any bull	GMUs 510, 513	1
Packwood	WF	Any	Sept. 23-27	Any bull	GMU 516	1
Winston	WF	Any	Sept. 23-27	Any bull	GMU 520	1
Coweeman	WF	Any	Sept. 23-27	Any bull	GMU 550	1
Toutle	WF	Any	Sept. 23-27 and Nov. 2-13	Any bull	GMU 556	2
Toutle	WF	Any	Nov. 2-13	Any bull	GMU 556	44
Lewis River	WF	Any	Sept. 23-27	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. 23-27	Any bull	GMU 572	2
Carlton	WF	Any	Sept. 23-27	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. 23-27	Any bull	Elk Area 5058	5
Upper Smith Creek	WF	Any	Sept. 23-27	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Sept. 23-27	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Sept. 23-27	Any bull	Elk Area 5066	2
Mt. Adams	WF	Any	Sept. 23-27	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. 2-13	Any bull	Elk Area 5099	7
Peninsula	WF	Any	Sept. 23-27	3 pt. min.	GMUs 602, 603, 607, 612, 615	4
Matheny	WF	Any	Sept. 23-27	3 pt. min.	GMU 618	3
Quinault	WF	Any	Sept. 23-27	3 pt. min.	GMU 638	5
Wynoochee	WF	Any	Sept. 23-27	3 pt. min.	GMU 648	1
White River	WF	Any	Sept. 23-27	Any bull	GMU 653	2

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Prescott	EA	Any	Sept. 1-19	Any bull	GMU 149	1
Blue Creek	EA	Any	Sept. 1-19	Any bull	GMU 154	6
Dayton	EA	Any	Sept. 1-19	Any bull	GMU 162	3
Ten Ten	EA	Any	Sept. 1-19	Any bull	Elk Area 1010, GMU 163	3
Tucannon	EA	Any	Sept. 1-19	Any bull	GMU 166	5
Wenaha West	EA	Any	Sept. 1-19	Any bull	Elk Area 1008	2
Wenaha East	EA	Any	Sept. 1-19	Any bull	Elk Area 1009	3
Mountain View	EA	Any	Sept. 1-19	Any bull	GMU 172, EXCEPT Elk Area 1040	9
Ten Forty	EA	Any	Sept. 9-22	Any bull	Elk Area 1040	2
Lick Creek	EA	Any	Sept. 1-19	Any bull	GMU 175	3
Peola	EA	Any	Sept. 1-19	Any bull	GMUs 178, 145	3
Couse	EA	Any	Sept. 1-19	Any bull	GMU 181	3
Colockum	EA	Any	Sept. 7-19	Any bull	GMUs 328, 329, 334	17
Teanaway	EA	Any	Sept. 7-19	Any bull	GMU 335	2
Peaches Ridge	EA	Any	Sept. 7-19	Any bull	GMUs 336, 346	10
Observatory	EA	Any	Sept. 7-19	Any bull	GMUs 334, 340, 342	20
Goose Prairie	EA	Any	Sept. 7-19	Any bull	GMUs 352, 356	7
Bethel	EA	Any	Sept. 7-19	Any bull	GMU 360	6
Rimrock	EA	Any	Sept. 7-19	Any bull	GMU 364	21
Cowiche	EA	Any	Sept. 7-19	Any bull	GMU 368	6
Nooksack	WA	Any	Aug. 26 - Sept. 14 and Jan. 1-19, 2020	Any bull	GMU 418	7
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Any bull	GMU 556	30
Upper Smith Creek	WA	Any	Sept. 15-21	Any bull	Elk Area 5064	1
Norway Pass	WA	Any	Sept. 7-13	Any bull	Elk Area 5066	2
Mudflow	WA	Any	Sept. 14-22 and Nov. 15-20	Any bull	Elk Area 5099	7
Peninsula	WA	Any	Sept. 1-22	3 pt. min.	GMUs 602, 603, 607, 612, 615	2
White River	WA	Any	Sept. 14-25 and Dec. 1-15	Any bull	GMU 653	19
Prescott	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 149	1
Blue Creek	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 154	2
Dayton	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 162	2
Ten Ten	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1010, GMU 163	1
Tucannon	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 166	2
Wenaha West	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1008	1
Wenaha East	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1009	2
Mountain View	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 172, EXCEPT Elk Area 1040	5
Ten Forty	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1040	2
Lick Creek	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 175	1
Peola	EM	Any	Sept. 30 - Oct. 11	Any bull	GMUs 178, 145	1
Couse	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 181	1
Mission	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 251	4
Colockum	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 328, 329, 334	6
Teanaway	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 335	2
Peaches Ridge	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 336, 346	4
Observatory	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 334, 340, 342	6
Goose Prairie	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 352, 356	2



<b>Quality</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Bethel	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 360	2
Rimrock	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 364	4
Cowiche	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 368	2
Nooksack	WM	Any	Sept. 18-29 and Nov. 15-24, and Dec. 1-8	Any bull	GMU 418	7
Toutle	WM	Any	Oct. 5-11	Any bull	GMU 556	19
Mount Whittier	WM	Any	Sept. 15-21	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Sept. 15-21	Any bull	Elk Area 5066	2
Mudflow	WM	Any	Oct. 5-15	Any bull	Elk Area 5099	7
Peninsula	WM	Any	Sept. 28 - Oct. 4	3 pt. min.	GMUs 602, 603, 607, 612, 615	2

<b>Bulls</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Turnbull	EF	Any	Dec. 11-16	Spike bull only	Elk Area 1015	1
Ten Forty	EF	Any	Oct. 26 - Nov. 3	Spike bull only	Elk Area 1040	2
Grande Ronde	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 186	1
Mission	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 251	4
Teanaway	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 335	5
Peaches Ridge	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 336, 346	13
Observatory	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	16
Goose Prairie	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 352, 356	8
Bethel	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 360	7
Rimrock	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 364	28
Cowiche	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 368	5
Alkali	EF	Any	Oct. 14 - Nov. 1	Any bull	GMUs 334, 371	15
Skagit River	WF	Any	Oct. 5 - Nov. 7	Any bull	Elk Area 4941	5
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	Oct. 19 - Nov. 13	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish	WF	Any	Oct. 19 - Nov. 13	3 pt. min.	GMU 636	3
White River	WF	Any	Oct. 19 - Nov. 13	Any bull	GMU 653	37
Turnbull	EA	Any	Sept. 7-19	Spike bull only	Elk Area 1015	1
Ten Forty	EA	Any	Sept. 1-8	Spike bull only	Elk Area 1040	2
Grande Ronde	EA	Any	Sept. 1-19	Any bull	GMU 186	1
Alkali	EA	Any	Sept. 1-22	Any Elk	GMUs 334, 371	10
Skagit River	WA	Any	Aug. 26 - Sept. 14 and Jan. 1-7, 2020	Any bull	Elk Area 4941	8
Upper Smith Creek	WA	Any	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	Nov. 27 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. 27 - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	Sept. 1-22 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	3
Skokomish	WA	Any	Sept. 1-22 and Dec. 1-15	3 pt. min.	GMU 636	2
Turnbull	EM	Any	Oct. 8-13	Spike bull only	Elk Area 1015	1
Ten Forty	EM	Any	Oct. 5-11	Spike bull only	Elk Area 1040	2
Grande Ronde	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 186	1

<b>Bulls</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Alkali	EM	Any	Sept. 23 - Oct. 13	Any bull	GMUs 334, 371	15
Skagit River	WM	Any	Sept. 18-29 and Dec. 2-11 and Jan. 8-19, 2020	Any bull	Elk Area 4941	5
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	Nov. 27 - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	Sept. 28 - Oct. 11	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	2
Skokomish	WM	Any	Sept. 28 - Oct. 11	3 pt. min.	GMU 636	1
White River	WM	Any	Sept. 28 - Oct. 11	Any bull	GMU 653	7

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
North Half	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMUs 101, 105, 204	10
Douglas	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 108	5
Aladdin	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 111	10
Selkirk	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 113	10
49 Degrees North	EF	Any	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	10
Huckleberry	EF	Any	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EF	Any	Nov. 16-21	Antlerless	Elk Area 1015	5
Turnbull	EF	Any	Dec. 11-16	Antlerless	Elk Area 1015	5
Mayview-Peola	EF	Any	Oct. 12-22	Antlerless	GMUs 145, 178	10
Mayview-Peola	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	20
Prescott	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 149	20
Blue Creek	EF	Any	Oct. 12-22	Antlerless	GMU 154	5
Blue Creek	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 154	5
Marengo-Dayton	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 163	10
Mountain View	EF	Any	Oct. 26 - Nov. 3	Antlerless	Elk Area 1013	40
Ten Forty	EF	Any	Nov. 4-10	Antlerless	Elk Area 1040	5
Couse	EF	Any	Oct. 12-22	Antlerless	Elk Area 1081	15
Couse	EF	Any	Oct. 26 - Nov. 8	Antlerless	Elk Area 1081	40
George Creek	EF	Any	Oct. 12 - Nov. 19	Antlerless	Elk Area 1082	5
Malaga	EF	Any	Sept. 9-20	Antlerless	Elk Area 2032	20
Malaga	EF	Any	Nov. 4 - Dec. 31	Antlerless	Elk Area 2032	55
Colockum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMUs 328, 329	100
West Bar	EF	Any	Oct. 26-29	Antlerless	GMU 330	5
West Bar	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 330	5
Teanaway	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 335	30
Taneum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 336	35
Manastash	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 340	30
Umtanum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 342	25
Little Naches	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 346	35
Nile	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 352	10
Bumping	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 356	20
Bethel	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 360	10
Rimrock	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 364	15
Cowiche	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 368	15
Alkali	EF	Any	Oct. 14 - Nov. 1	Antlerless	GMU 371	20

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
North Bend	WF	Any	Nov. 2-13	Antlerless	Elk Area 4601	5
Green River	WF, WA, WM	Any	Nov. 2-8	Antlerless	GMU 485	10
Mossyrock	WF	Any	Nov. 2-13	Antlerless	GMU 505	20
Willapa Hills	WF	Any	Nov. 2-13	Antlerless	GMU 506	25
Winston	WF	Any	Nov. 2-13	Antlerless	GMU 520	25
Margaret	WF	Any	Nov. 2-13	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5
Ryderwood	WF	Any	Nov. 2-13	Antlerless	GMU 530	15
Coweeman	WF	Any	Nov. 2-13	Antlerless	GMU 550	15
Toutle	WF	Any	Nov. 20-30	Antlerless	GMU 556	15
Lewis River	WF	Any	Nov. 2-13	Antlerless	GMU 560	25
Washougal	WF	Any	Nov. 2-13	Antlerless	GMU 568	20
Siouxon	WF	Any	Nov. 2-13	Antlerless	GMU 572	15
Wind River	WF	Any	Nov. 2-13	Antlerless	GMU 574	25
West Klickitat	WF	Any	Nov. 2-13	Antlerless	GMU 578	45
Upper Smith Creek	WF	Any	Oct. 17-23	Antlerless	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 17-23	Antlerless	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	5
Mudflow	WF	Any	Nov. 2-13	Antlerless	Elk Area 5099	5
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, 2020	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	Dec. 28, 2019 - Jan. 15, 2020	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Jan. 16 - Feb. 5, 2020	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. 6-23, 2020	Antlerless	Elk Area 6014	10
Hanaford	WF	Any	Nov. 2-13	Antlerless	Elk Area 6069	5
Williams Creek	WF	Any	Nov. 2-13	Antlerless	GMU 673	50
Long Beach	WF	Any	Nov. 2-13	Antlerless	GMU 684	6
Turnbull	EA	Any	Sept. 7-19	Antlerless	Elk Area 1015	12
Malaga	EA	Any	Sept. 1-7	Antlerless	Elk Area 2032	20
Margaret	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 556	15
Upper Smith Creek	WA	Any	Oct. 1-7	Antlerless	Elk Area 5064	2
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. 7-13 and Nov. 15- 20	Antlerless	Elk Area 5099	7
Lewis River	WA	Any	Nov. 27 - Dec. 8	Antlerless	GMU 560	5
Siouxon	WA	Any	Nov. 27 - Dec. 8	Antlerless	GMU 572	3
Wynoochee	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 648	110
North Half	EM	Any	Oct. 5-11	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	Oct. 5-11	Antlerless	GMU 108	5
Aladdin	EM	Any	Oct. 5-11	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. 5-11	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. 5-11 and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	Oct. 5-11	Antlerless	GMU 121	10
Turnbull	EM	Any	Oct. 8-13	Antlerless	Elk Area 1015	8
Turnbull	EM	Any	Nov. 30 - Dec. 5	Antlerless	Elk Area 1015	8

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Blue Creek	EM	Any	Dec. 9, 2019 - Jan. 20, 2020	Antlerless	GMU 154	15
Mountain View	EM	Any	Oct. 5-11	Antlerless	Elk Area 1013	20
Mayview-Peola	EM	Any	Oct. 5-11	Antlerless	GMUs 145, 178	20
Couse	EM	Any	Oct. 5-11	Antlerless	Elk Area 1081	20
Couse	EM	Any	Dec. 1, 2019 - Jan. 20, 2020	Antlerless	Elk Area 1081 and Elk Area 1075	35
George Creek	EM	Any	Sept. 28 - Oct. 11 and Nov. 20 - Dec. 31	Antlerless	Elk Area 1082	5
Malaga	EM	Any	Oct. 5-11	Antlerless	Elk Area 2032	45
Colockum	EM	Any	Oct. 5-11	Antlerless	GMUs 328, 329	50
West Bar	EM	Any	Oct. 5-11	Antlerless	GMU 330	5
Teanaway	EM	Any	Oct. 5-11	Antlerless	GMU 335	10
Taneum	EM	Any	Oct. 5-11	Antlerless	GMU 336	25
Manastash	EM	Any	Oct. 5-11	Antlerless	GMU 340	25
Umtanum	EM	Any	Oct. 5-11	Antlerless	GMU 342	20
Nile	EM	Any	Oct. 5-11	Antlerless	GMU 352	10
Bumping	EM	Any	Oct. 5-11	Antlerless	GMU 356	10
Bethel	EM	Any	Oct. 5-11	Antlerless	GMU 360	10
Cowiche	EM	Any	Oct. 5-11	Antlerless	GMU 368	10
Alkali	EM	Any	Sept. 23 - Oct. 13	Antlerless	GMU 371	10
Willapa Hills	WM	Any	Oct. 5-11	Antlerless	GMU 506	15
Mudflow	WM	Any	Oct. 5-15	Antlerless	Elk Area 5099	4
Winston	WM	Any	Oct. 5-11	Antlerless	GMU 520	15
Margaret	WM	Any	Oct. 5-11	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5
Ryderwood	WM	Any	Oct. 5-11	Antlerless	GMU 530	10
Coweeman	WM	Any	Oct. 5-11	Antlerless	GMU 550	15
Yale	WM	Any	Oct. 5-11	Antlerless	GMU 554	20
Yale	WM	Any	Nov. 27 - Dec. 15	Antlerless	GMU 554	15
Toutle	WM	Any	Oct. 5-11	Antlerless	GMU 556	15
Lewis River	WM	Any	Oct. 5-11	Antlerless	GMU 560	10
Washougal	WM	Any	Nov. 27 - Dec. 8	Antlerless	GMU 568	20
Siouxon	WM	Any	Oct. 5-11	Antlerless	GMU 572	5
Wind River	WM	Any	Nov. 27 - Dec. 8	Antlerless	GMU 574	30
Upper Smith Creek	WM	Any	Oct. 9-15	Antlerless	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2
Mallis	WM	Any	Oct. 5-11	Antlerless	Elk Area 6010	10
Mashel	WM	Any	Dec. 28, 2019 - Jan. 11, 2020	Antlerless	Elk Area 6054	20
North River	WM	Any	Nov. 17 - Dec. 15	Antlerless	GMU 658	20
Forks <sup>Y</sup>	WF, WM, WA	Any	Jan. 1-31, 2020	Antlerless	Elk Area 6612	20

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Turnbull	EF	Youth	Nov. 23-28	Antlerless	Elk Area 1015	5
Turnbull	EF	Youth	Nov. 23-28	Spike bull only	Elk Area 1015	1
Aladdin	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 111	5
Selkirk	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 113	5

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
49 Degrees North	EF	Youth	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	5
Blue Creek	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 154	3
Dayton	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 162	3
Ten Forty	EF	Youth	Oct. 12-20	Antlerless	Elk Area 1040	5
Couse	EF	Youth	Oct. 26 - Nov. 3	Antlerless	Elk Area 1081	10
Malaga	EF	Youth	Nov. 4-15	Antlerless	Elk Area 2032	10
Colockum	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	25
Yakima North	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	15
Yakima Central	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Colockum	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 328, 329, 335	10
Yakima North	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 352, 356, 360	10
Yakima South	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 364, 368	10
North Bend	WF, WM, WA	Youth	Nov. 2-13	Antlerless	Elk Area 4601	5
Skagit River	WF, WM, WA	Youth	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Mudflow	WF	Youth	Nov. 21-30	Any bull	Elk Area 5099	5
Mudflow	WF	Youth	Oct. 26 - Nov. 1 and Nov. 25-30	Antlerless	Elk Area 5099	5
Cowecman	WF	Youth	Nov. 2-13	Antlerless	GMU 550	15
Toutle	WF	Youth	Nov. 20-30	Antlerless	GMU 556	20
Lewis River	WF	Youth	Nov. 2-13	Antlerless	GMU 560	5
Wind River	WF	Youth	Nov. 2-13	Antlerless	GMU 574	5
West Klickitat	WF	Youth	Nov. 2-13	Antlerless	GMU 578	15
Region 5	WF, WM, WA	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>
Peninsula	WF	Youth	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	4
Clearwater	WF	Youth	Nov. 2-13	Antlerless	GMU 615	5
Matheny	WF	Youth	Nov. 2-13	Antlerless	GMU 618	5
Wynoochee	WF	Youth	Nov. 2-13	Antlerless	GMU 648	10
North River	WF	Youth	Nov. 2-13	Antlerless	GMU 658	5
Williams Creek	WF	Youth	Nov. 2-13	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16, 2019 - Jan. 20, 2020	Antlerless	Elk Area 6010	10
Peninsula	WA	Youth	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	2
Peninsula	WM	Youth	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	2
Forks <sup>Y</sup>	WF, WM, WA	Youth	Dec. 16-31	Antlerless	Elk Area 6612	10
Region 6	WF	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 6	5 <sup>HC</sup>

<b>65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Northeast	EF	65+	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 149	3
Blue Creek	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Dayton	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 178	3
Malaga	EF	65+	Nov. 4-15	Antlerless	Elk Area 2032	10

<b>65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Colockum	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	10
Yakima North	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Alkali	EF	65+	Oct. 14 - Nov. 1	Antlerless	GMU 371	10
North Bend	WF, WM, WA	65+	Nov. 2-13	Antlerless	Elk Area 4601	5
Colockum	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 328, 329, 335	5
Yakima North	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 336, 340, 342, 346	5
Yakima Central	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 352, 356, 360	5
Ryderwood	WF	65+	Nov. 2-13	Antlerless	GMU 530	10
Skagit River	WF, WM, WA	65+	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Peninsula	WF	65+	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Centralia Mine	WF	65+	Sept. 7-8	Antlerless	Elk Area 6011	5
Hanaford	WF, WM, WA	65+	Dec. 28, 2019 - Jan. 11, 2020	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 12-26, 2020	Antlerless	Elk Area 6069	5
Peninsula	WA	65+	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WM	65+	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1
Forks <sup>‡</sup>	WF, WM, WA	65+	Dec. 16-31	Antlerless	Elk Area 6612	10

<b>Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Northeast	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. 1-6	Antlerless	Elk Area 1015	5
Prescott	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Dayton	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 178	3
Observatory	EF, EM, EA	Hunters w/ Disabilities	Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	4
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Sept. 28 - Oct. 6	Any bull	GMU 346	4
Malaga	EF, EM, EA	Hunters w/ Disabilities	Sept. 9-20	Antlerless	Elk Area 2032	10
Colockum	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	10
Yakima North	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Alkali	EF, EM, EA	Hunters w/ Disabilities	Oct. 14 - Nov. 1	Any bull	GMUs 334, 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. 22-29	Any elk	Elk Area 3721	2

<b>Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Bend	WF, WM, WA	Hunters w/ Disabilities	Nov. 2-13	Antlerless	Elk Area 4601	5
Skagit River	WF, WM, WA	Hunters w/ Disabilities	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. 18-24	Antlerless	Elk Area 5099	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. 24-30	Any bull	Elk Area 5099	5
Washougal	WF	Hunters w/ Disabilities	Nov. 2-13	Antlerless	GMU 568	10
Region 5	WF, WM, WA	Hunters w/ Disabilities	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>
Centralia Mine	WF	Hunters w/ Disabilities	Oct. 5-6	Antlerless	Designated Areas in Elk Area 6011	5
Peninsula	WF	Hunters w/ Disabilities	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Peninsula	WM	Hunters w/ Disabilities	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WA	Hunters w/ Disabilities	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1

**Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.**

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 19-31	Antlerless	Elk Area 1015	5
Region 1	EF, EA, EM/ 2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Region 1	20 <sup>HC</sup>
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Fairview	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 26, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in GMUs 328-368	30 <sup>HC</sup>
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 3	25 <sup>HC</sup>
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in GMU 372	20 <sup>HC</sup>
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Whatcom and Skagit counties	13 <sup>HC</sup>
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in King and Snohomish counties	10 <sup>HC</sup>
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	5
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 2-13	Antlerless	Elk Area 5063	2
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 15-31	Antlerless	Elk Area 5062	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 1-15, 2020	Antlerless	Elk Area 5062	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, 2020	Antlerless	Elk Area 5062	5

**Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.**

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
JBH*	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 1 - Dec. 31	Antlerless	Elk Area 5090	5 <sup>HC</sup>
Region 5	Any western elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	30 <sup>HC</sup>
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 6	30 <sup>HC</sup>

\* Muzzleloader only, scopes allowed.

\*\* May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

‡ Must use only archery, muzzleloader, or legal shotgun (10 or 12 gauge; slugs only).

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.</li> <li>- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> <li>- Qualified hunter education instructors may only receive one incentive permit each year.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any bull	GMUs 336-346	1
Region 3		Any bull	GMUs 352-360	1
Region 3		Any bull	GMUs 364-368	1
Region 5		Any elk	382, 388 and all 500 series GMUs EXCEPT GMU 522	2
Region 6		Any elk	GMUs 618, 638-648, 654, 658, 663, 672, 699	1

**WSR 19-16-112  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed August 5, 2019, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-12-041 on May 29, 2019.

Title of Rule and Other Identifying Information: WAC 220-417-040 Use of body-gripping traps—Special trapping permit required.

Hearing Location(s): On September 27, 2019, at 8:30 a.m., conference call. This meeting will take place by telephone conference call. The public may listen to the discussion. Please contact commission staff at 360-902-2267 or commission@dfw.wa.gov to obtain call-in information no later than 3 p.m. on September 26, 2019.

Date of Intended Adoption: September 27, 2019.

Submit Written Comments to: Wildlife Program, P.O. Box 43141, Olympia, WA 98504, email wildthing@dfw.wa.gov, fax 360-902-2162, https://www.surveymonkey.com/r/TDM2928, by August 8 through 29, 2019.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2346, TTY 360-902-2207, email dolores.noyes@dfw.wa.gov, by September 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HB 1917, as passed by the 2019 legislative session, amended RCW 77.15.194 to provide that an airport operator may obtain a special trapping permit once every three years, and must annually report the previous year's trapping activity to the department. This proposed rule change amends WAC 220-417-040 to reflect the same.

Reasons Supporting Proposal: Dictated by statute.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.



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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; and Enforcement: 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 rule proposal does not require a cost-benefit analysis.

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 rule content is explicitly and specifically dictated by statute.

August 5, 2019  
Jacalyn M. Hursey  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-417-040 Use of body-gripping traps—Special trapping permit required.** (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Airport operator" means any municipality as defined in RCW 14.08.010(2) or state agency which owns and/or operates an airport.

(b) "Body-gripping trap" as defined by RCW 77.15.192 means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leg-hold traps, padded-jaw leghold or padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

~~((b))~~ (c) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

~~((e))~~ (d) "Padded-jaw leghold" or "padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

~~((d))~~ (e) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb. Noose traps used in falconry are not considered non-strangling-type foot snare traps because they are not designed to ultimately kill the bird but rather to ensure the bird's health and safety and cause no harm by using slip nooses which are constructed of monofilament nylon.

~~((e))~~ (f) "Special trapping permit" means a permit issued to a person under the authority of RCW 77.15.194 and

the provisions of this section to use certain body-gripping traps to abate an animal problem (~~(for thirty days)~~).

~~((f))~~ (g) "Permittee" means the person to whom a special trapping permit is granted.

(2) It is unlawful to trap wildlife using body-gripping traps without a special trapping permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a special trapping permit to trap.

(4) Persons issued a special trapping permit must submit a report of wildlife taken to the department within ten days after the permit expiration date or as defined on the permit.

(5) An airport operator that uses a padded foot, leghold, or any other body gripping trap for the protection of human and aviation security to secure an animal must obtain a special trapping permit from the director once every three years, and once each year, as conditioned on the permit, submit a report of wildlife taken to the department from the previous year's activities.

(6) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a special trapping permit.

~~((6))~~ (7) A person seeking a special trapping permit shall complete and submit a department-provided application.

~~((7))~~ (8) To conduct wildlife research, the applicant shall submit a scientific collection permit application as provided by the department.

~~((8))~~ (9) One permit renewal may be requested by completing the justification and applicant certification on the report of animals taken.

~~((9))~~ (10) The conditions of a special trapping permit shall be determined by the department and be annotated on the permit.

~~((10))~~ (11) All parts of animals taken under a special trapping permit must be properly disposed of in a lawful manner. Raw fur may only be retained for personal use or education purposes which do not result in retail sale or commerce.

~~((11))~~ (12) Any retention of raw fur obtained through the use of a special trapping permit requires a valid Washington state trapper's license unless the carcass is accompanied by a transfer authorization, as described in WAC 220-200-120, from a licensed trapper.

~~((12))~~ (13) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

~~((13))~~ (14) A special trapping permit may be denied when, in the judgment of the department:

(a) Other appropriate nonlethal methods to abate damage have not been utilized;

(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;

(c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule.

(e) The application is incomplete.

~~((14))~~ (15) A special trapping permit may be revoked if the department determines:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(d) Information becomes available that otherwise would have led to the denial of the original application or the inclusion of additional conditions in the permit.

~~((15))~~ (16) If the department denies or revokes a special trapping permit the department will provide the applicant a written notice including a statement of the specific reason(s) for the denial or revocation.

(a) The applicant may request an appeal to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request in writing within twenty days from the mailing date of the notice of denial or revocation. Address appeals to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.

**WSR 19-16-116**  
**PROPOSED RULES**  
**PARAEDUCATOR BOARD**

[Filed August 5, 2019, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-13-069.

Title of Rule and Other Identifying Information: Defining paraeducator employed years to meet the general paraeducator certificate.

Hearing Location(s): On September 25, 2019, at 8:30 a.m., at 4202 South Regal Street, Spokane, WA 99223.

Date of Intended Adoption: September 25, 2019.

Submit Written Comments to: Professional Educator Standards Board, 600 Washington Street S.E., Room 400, Olympia, WA 98504, email pesb@k12.wa.us.

Assistance for Persons with Disabilities: Contact professional educator standards board, phone 360-725-6275, email rulespesb@k12.wa.us, by September 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Defining that the general paraeducator certificate must be met only while a paraeducator is employed by the district. In addition, clarifying for districts when they must ensure paraeducators meet the three year certificate requirement.

Reasons Supporting Proposal: Will help clarify expectations on the paraeducators and the school district concerning the general paraeducator certificate.

Statutory Authority for Adoption: Chapters 28A.413, 28A.410 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

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

Name of Proponent: Paraeducator board, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Busbee, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6275; Implementation and Enforcement: Paraeducator Board, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6275.

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. Probable benefits are greater than the probable cost.

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; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

August 3, 2019  
Justin Montermini  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-13-071, filed 6/17/19, effective 7/18/19)

**WAC 179-11-040 Process.** (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts are encouraged to provide at least one day of the ten days of general courses, as defined by the board, on the state paraeducator standards of practice as a professional learning day, where paraeducators collaborate with certified staff and other classified staff on applicable courses.

(3) The paraeducator must complete the general paraeducator certificate ~~((#))~~ within three employed years after completing the fundamental course of study, as follows:

(a) If the fundamental course of study is completed prior to June 30th of a calendar year, then it shall have a completion date calculated on the basis that it was completed on June 30th of the same calendar year regardless of the date of completion; and

(b) If the fundamental course of study is completed July 1st or later in the calendar year, then it shall have a completion date calculated on the basis that it was completed on June 30th of the next calendar year regardless of the date of completion.

~~((#))~~ (4) Beginning with the 2019-20 school year, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general paraeducator certificate requirements of this section within three years of completing the four-day fundamental course of study.

The district is only required to ensure paraeducators meet the general certificate requirement by the end of the paraeducator's third year of employment in that district as a paraeducator.

(5) To attain the paraeducator general certificate, the paraeducator must complete training that meets in-service education approval standards as written in chapter 181-85 WAC.

~~((4))~~ (6) A maximum of one professional growth plan may be completed towards the attainment of the general paraeducator certificate.

~~((5))~~ (7) A paraeducator who ~~((holds))~~ completes continuing education credit hours to meet the English language learner subject matter certificate ~~((and/or))~~ or special education subject matter certificate may ~~((deduct twenty continuing education credit hours per subject matter certificate from the hours required to meet))~~ count these hours towards meeting the general paraeducator certificate.

~~((6))~~ (8) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the general paraeducator certificate.

### WSR 19-16-117

#### PROPOSED RULES

#### PARAEDUCATOR BOARD

[Filed August 5, 2019, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-13-066.

Title of Rule and Other Identifying Information: Amend WAC to incorporate board motion that a professional growth plan may not be used to attain an English language learner subject matter certificate.

Hearing Location(s): On September 25, 2019, at 8:30 a.m., at Northeast Washington Educational Service District, 4202 South Regal Street, Spokane, WA 99223.

Date of Intended Adoption: September 25, 2019.

Submit Written Comments to: Professional Educator Standards Board (PESB), 600 Washington Street S.E., Room 400, Olympia, WA 98504, email pesb@k12.wa.us, by September 23, 2019.

Assistance for Persons with Disabilities: Contact PESB, phone 360-725-6275, email rulespesb@k12.wa.us, by September 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update WAC with new language regarding the fundamental course of study from RCW and amending language to add requirements for unit certificates of completion.

Reasons Supporting Proposal: Updating to meet RCW changes and adding requirements to providers to provide certificates of completion at the unit and course level of the fundamental course of study.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

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

Name of Proponent: Paraeducator board, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Busbee, 600 Washington Street S.E., Olympia, 98504, 360-725-6275; Implementation and Enforcement: PESB, 600 Washington Street S.E., Olympia, 98504, 360-725-6275.

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. Probable benefits are greater than the probable cost.

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

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: [No information supplied by agency.]

August 3, 2019

Justin Montermini

Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-16-109, filed 7/31/18, effective 8/31/18)

**WAC 179-13-030 Process.** (1) To attain the paraeducator English language learner subject matter certificate, the paraeducator must complete twenty continuing education credit hours of training that meet the learning objectives of the course outline as described in WAC 179-13-060;

(2) Training for the certificate must include the training competencies that align with WAC 179-13-050; ~~((and))~~

(3) A professional growth plan may not be completed to attain the English language learner subject matter certificate; and

(4) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the English language learner subject matter certificate.

### WSR 19-16-118

#### PROPOSED RULES

#### PARAEDUCATOR BOARD

[Filed August 5, 2019, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-13-067.

Title of Rule and Other Identifying Information: [No information supplied by agency.]

Hearing Location(s): On September 25, 2019, at 8:30 a.m., at Northeast Washington Educational Service District, 4202 South Regal Street, Spokane, WA 99223.

Date of Intended Adoption: September 25, 2019.

Submit Written Comments to: Professional Educator Standards Board (PESB), 600 Washington Street S.E., Room 400, Olympia, WA 98504, email pesb@k12.wa.us, by September 23, 2019.

Assistance for Persons with Disabilities: Contact PESB, phone 360-725-6275, email rulespesb@k12.wa.us, by September 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update WAC with new language regarding the fundamental course of study (FCS) from RCW and amending language to add requirements for unit certificates of completion.

Reasons Supporting Proposal: Updating to meet RCW changes and adding requirements to providers to provide certificates of completion at the unit and course level of FCS.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

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

Name of Proponent: Paraeducator board, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Busbee, 600 Washington Street S.E., Olympia, 98504, 360-725-6275; Implementation and Enforcement: PESB, 600 Washington Street S.E., Olympia, 98504, 360-725-6275.

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

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

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: [No information supplied by agency.]

August 3, 2019  
Justin Montermini  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-16-106, filed 7/31/18, effective 8/31/18)

**WAC 179-09-040 Fundamental course of study.** (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a fundamental course of study on the state standards of practice, as defined by the board in WAC 179-09-050 of this chapter, to paraeducators who have not completed the course, either in the district or in another district within the state. At least one day of the fundamental course of study must be provided in person. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with

students and their families, and at a minimum by the deadlines provided in subsection (3) of this section.

(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, the first two days of the fundamental course of study must be provided by September 30th of that year and the second two days of the fundamental course of study must be provided within six months of the date of hire, regardless of the size of the district; and

(ii) For paraeducators hired after September 1st:

(A) For districts with ten thousand or more students, the first two days of the fundamental course of study must be provided within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

(5)(a) Providers of the fundamental course of study must provide to the paraeducator written documentation of each unit completed by a paraeducator. The documentation is as published by the professional educator standards board.

(b) Upon request, if such request is made within seven calendar years of unit completion, the provider shall provide the paraeducator with documentation of unit completion.

(6) The fundamental course of study must include the training competencies that align with the standards of practice in chapter 179-07 WAC.

~~((6))~~ (7) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the fundamental course of study.

## WSR 19-16-132

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed August 6, 2019, 11:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-12-086.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-823-0500 How do I show that I have autism as an eligible condition?

Hearing Location(s): On September 10, 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 September 11, 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., September 10, 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 August 27, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration (DDA) is proposing to amend these rules to expand the list of professionals from whom DDA accepts a diagnosis of autism. The amendments add licensed physicians associated with an autism center, developmental center, or center of excellence, as well as advanced registered nurse practitioners associated with a center of excellence.

Reasons Supporting Proposal: By expanding the list of professionals, these amendments may increase access to DDA services.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.16.020.

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. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii), rules of DSHS relating only 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.

August 5, 2019  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

**WAC 388-823-0500 How do I show that I have autism as an eligible condition?** ~~((In order))~~ To be considered for eligibility under the condition of autism you must be age four or older and have a diagnosis by a qualified professional which meets the conditions in subsection (1) or (2) of this section, as well as subsections (3), (4), and (5) of this section:

(1) Autistic disorder 299.00 per the diagnostic and statistical manual of mental disorders, fourth edition, text revision (DSM-IV-TR)~~((;))~~; or

(2) Autism spectrum disorder 299.00 per the diagnostic and statistical manual of mental disorders, fifth edition (DSM-5), with a severity level of 2 or 3 in both columns of the severity level scale.

(3) The condition is expected to continue indefinitely with evidence of onset before age three.

(4) An acceptable diagnostic report includes documentation of all diagnostic criteria specified in the DSM-IV-TR or DSM-5.

(5) DDA will accept a diagnosis from any of the following professionals:

(a) Board certified neurologist;

(b) Board certified psychiatrist;

(c) Licensed psychologist;

(d) Advanced registered nurse practitioner (ARNP) associated with an autism center ~~((;))~~ developmental center, or center of excellence;

(e) Licensed physician associated with an autism center, developmental center, or center of excellence; or

~~((;))~~ (f) Board certified developmental and behavioral pediatrician.

## WSR 19-16-137

### PROPOSED RULES

### BUILDING CODE COUNCIL

[Filed August 6, 2019, 2:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-072.

Title of Rule and Other Identifying Information: Chapter 51-11R WAC, Adoption and amendment of the 2018 Washington State Energy Code, Residential; and chapter 51-11C WAC, Appendix A, Default heat loss coefficients.

Hearing Location(s): On September 13, 2019, at 10 a.m., at CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10 a.m., at the Department of Enterprise Services, First Floor Presentation Room, 1500 Jefferson Street S.E., Olympia, WA 98501.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, Council Chair, P.O. Box 41449, Olympia, WA 98504-1449, email [sbcc@des.wa.gov](mailto:sbcc@des.wa.gov), by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebbe@des.wa.gov, by September 4, 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. Changes are also being made to Appendix A to coordinate changes for log walls and below grade walls.

1. **Overall** - The terms "mandatory" and "prescriptive" have been removed. Those items marked mandatory have been added in a table format to Section R405.2 for the performance analysis method of compliance. This is reflective of the change made in the Commercial Energy Code.

2. **Section R101.4.1 Mixed residential and commercial buildings** (2018 IECC change). Clarification on code applications for residential mixed use buildings.

3. **Section R102.1 General (Alternate Materials & Methods)** (2018 IECC change). Editorial changes for consistency between the model codes.

4. **Section R104.1 General (Inspections)** (2018 IECC change). This section was revised for clarity and consistency with other codes and the inspections required therein.

5. **Definitions (Chapter 2)** (2018 IECC changes).

*Addition* was revised for consistency with other codes.

*Air Barrier* was revised for clarity; *Continuous Air Barrier* was removed as redundant.

*Air-Permeable Insulation* added for consistency with the IRC.

*Alteration* was revised to remove the term "that requires a permit" for consistency with other codes.

*Approved* was revised for consistency with other codes.

*Approved Agency* was revised across all ICC codes for clarity.

*Building Thermal Envelope* - minor editorial corrections for clarity.

*Demand Recirculation Water System* - This definition was modified for clarity and to better fit the requirements in Section C404.8.

*Fenestration* - Editorial, for clarity and consistency.

*High-Efficacy Light Sources* - Revised to provide guidance and clarity on LED and other emerging technologies.

*Labeled* - Editorial change for consistency with other codes.

*Opaque Door* - Clarification on the difference between opaque and glass doors.

*Roof Assembly*: Definition was amended with pointers to the various roof types.

6. **Definitions** (proposed state amendments).

*Connected thermostat*: The definition was added to support the change in Section R403.1.1.

*Ductless Mini-split Heat Pump System*: Was added for consistency with the IMC.

*Log Structure*: Definition from ICC 400 to support the change in footnote n of Table R402.1.1.

*Log Wall*: Definition from ICC 400 to support the change in footnote n of Table R402.1.1.

*Residential building*: Clarification that accessory structures may be built under the IRC.

7. **Section R303.1.1 Building thermal envelope insulation** (2018 IECC change). An exception was added to the labeling requirements for insulation to allow above deck roof insulation to be labeled per the material standard.

8. **Table R303.1.3(1) Default glazed window, glass door and skylight U-factors** (2018 IECC change): "Fenestration" was replaced with "Window, Glass Door and Skylight" in the title of the table.

9. **Table C303.1.3(2) Default opaque door U-factors** (2018 IECC change): Editorial change to clarify the table applies to opaque doors, not glass doors.

10. **Section R401.2 Compliance** (proposed state amendment): Adds a pointer to the new passive house compliance method and clarifies that the other paths must also comply with R406.

11. **Section R401.3 Certificate** (proposed state amendment): Language is added to include ventilation testing and installation information on the posted certificate along with the insulation values and appliance efficiencies. A sentence is also added to allow the code official to request documentation for any testing.

12. **Section R402.1 General - Building Thermal Envelope** (proposed state amendment): Editorial—Section R402.1.4 was split into two sections, so there are now six subsections instead of five.

13. **Section R402.1.2 R-Value computation** (proposed state amendment): A pointer sentence is added to go to Section R303.1.4. The last sentence is reverting back to the base ICC language.

14. **Section R402.1.3 U-Factor alternative** (proposed state amendment): A pointer to section R402.1.5 is added.

15. **Section R402.1.4/R402.1.5 UA Alternative/U-Factor reference and calculation** (proposed state amendment): The subsection on UA compliance was modified for clarity. It was divided into two sections—one for general requirements and one for calculation.

16. **Table R402.1.1 Insulation and Fenestration Requirements** (proposed state amendment): The table was modified to remove requirements not applicable or duplicative of other requirements. It was also clarified that the thermal break required for below grade walls is R-5. The footnotes were modified to remove any blank or irrelevant notes. The footnote for vaulted ceilings was clarified, as was the footnote for intermediate framing. The log home footnote was revised to reference ICC 400, *Standard on the Design and Construction of Log Structures*. A new footnote was added addressing existing slabs and insulating after the fact.

17. **Table R402.1.3 U-Factors** (proposed state amendment): The frame wall U-factor was retitled above grade wall U-factor. Mass wall column is removed since it is the same require [requirement] for above grade walls. Below grade walls was modified for consistency with Appendix A. Unused footnotes were removed.

18. **Equation 1/Equation 2 - Target UA/Proposed UA** (proposed state amendment): Equations were added to clarify the UA calculation method, based on the equations found in the 2009 WSEC. This restores the base glazing area of fifteen percent.

19. **Section R402.2.5 Mass Walls** (2018 IECC change): The mass wall section was modified to remove technical requirements from the footnotes in the tables to the regulating section.
20. **Section R402.2.6 Steel framing** (2018 IECC change): Editorial.
21. **Section R402.4.1.2 Testing** (Air Leakage) (proposed state amendment): Air leakage testing is standardized to a set ceiling height. An exception has been added for testing of some multifamily buildings.
22. **Section R402.4.2.1 Gas fireplace efficiency** (proposed state amendment): A new requirement for a minimum efficiency standard for fireplaces is added.
23. **Table R402.4.1.1 Air barrier and insulation installation** (2018 IECC change): Minor editorial and clarifying amendments.
24. **Section R403.1.1 Programmable or connected thermostat** (proposed state amendment): Added allowance for a connected thermostat in lieu of a programmable thermostat, clarified that it must be Energy Star certified, and added an exception for heat pumps with an integral thermostat.
25. **Section R403.1.3 Continuously burning pilot lights** (proposed state amendment): A new general section is added to prohibit continuously burning pilot lights.
26. **Section R403.3 Ducts** (2018 IECC change): Editorial.
27. **Section R403.3.3 Duct testing** (proposed state amendment): An exception was added for ducts serving heat or energy recovery ventilators.
28. **Sections R403.3.6/R403.3.6.1 Buried ducts** (2018 IECC change): A new section is added dealing with ducts buried in attic insulation.
29. **Section R403.3.7 Ducts located in conditioned space** (proposed state amendment to new 2018 IECC change): This new section sets requirements for ducts to be considered within conditioned space.
30. **Section R403.5 Service hot water systems** (proposed state amendment): An added sentence clarifies that equipment must meet federal efficiency standards.
31. **Section R403.5.2 Demand recirculation water systems** (2018 IECC change): Clarifies requirements and relocates stricken language into the definition.
32. **Section R403.5.4 Drain water heat recovery units** (proposed state amendment): Add the IAPMO standard for drain water heat recovery. Removed language related to rated pressure loss.
33. **Section R403.5.5 Electric water heater insulation** (proposed state amendment): Clarifying amendment.
34. **Section R403.6.1 Whole-house mechanical ventilation system fan efficacy** (2018 IECC change): Editorial.
35. **Table R403.6.1 Mechanical ventilation system fan efficacy** (proposed state amendment): A value for heat and energy recovery systems is added.
36. **Section R403.7 Equipment sizing and efficiency rating** (proposed state amendment): Language stating equipment had to meet federal requirements is replaced with a reference to the commercial efficiency tables with said requirements.
37. **Section R403.10.1 Heaters** (proposed state amendment): Prohibition on continuously burning pilot lights moved to general section R403.1.3.
38. **Section R403.10.3 Covers** (Pool & Spa) (2018 IECC change): Changes the exception to seventy-five percent of heating provided from on-site renewables and adds parameters for operating season.
39. **Section R404.1 Lighting equipment** (2018 IECC change): The requirement for high efficacy lamps was changed from seventy-five percent to ninety percent.
40. **Section R404.2 Electric readiness** (proposed state amendment): A new section (and subsections) is added requiring electrical power be provided to all areas containing water heaters and dryers), along with a requirement for sufficient space to install a standard water heater in the proximity of the current water heater (including the space occupied by the current water heater).
41. **Section R405.1 Scope** (Performance analysis) (2018 IECC change): Clarification that there are also requirements for mechanical ventilation.
42. **Section R405.2 Mandatory requirements** (proposed state amendment): Those items marked mandatory have been added in a table format to Section R405.2. This is reflective of the change made in the Commercial Energy Code.
43. **Section R405.3 Performance-based compliance** (proposed state amendment): Site energy use has been replaced with carbon emissions as a measuring metric for this compliance method. The emissions thresholds were adjusted to correlate with the requirements of Section R406 for other compliance methods.
44. **Table R405.5.2(1) Specifications for standard reference and proposed design** (2018 IECC change): Minor clarifications for air exchange rate, mechanical ventilation and thermal distribution systems.
45. **Section R406 Additional energy efficiency requirements** (proposed state amendment): This section has been significantly revised. The number of points has increased for all residences, and an additional equalization factor has been added based on the carbon emissions of the installed heating (New Table R406.2). **Table R406.3** (previously R406.2) has been reformatted for clarity, moving the footnotes into the body of the table and revising the numbering of the options. The options and credits have been revised to base them on energy savings—each half point is roughly equivalent to 600 kWh. New options have been added for triple pane windows (1.2), a forty-nine percent UA reduction (1.6), advanced framing with 0.28 windows (1.7) tighter envelopes with ERV (2.4), various heat pump systems (3.5, 3.6), ducts buried in ceiling insulation (4.1), drain water heat recovery systems (5.1), heat pump water heating systems (5.4, 5.5, 5.6), and high efficiency appliances (7.1). HVAC efficiency requirements were modified based on federal minimums. The option for low flow fixtures has been removed since this is now a base requirement.
46. **Section R407 Certified passive house** (proposed state amendment): Two passive house standards are now included as compliance options, PHIUS and PHI.

47. **Section R501.1.2 Thermostats for accessory dwelling units** (*proposed state amendment*): New requirement added that ADUs need independent thermostats.

48. **Section R501.4 Compliance** (*2018 IECC change*): Editorial; adding IEBC to the list of mandated codes.

49. **Section R502.1.1.2 Heating and cooling systems** (*2018 IECC change*): Changes the reference to all of Section R403 rather than calling out specific subsections.

50. **Section R503.1.1.1 Replacement fenestration** (*2018 IECC change*): Allows an area-weighted average for replacement fenestration.

51. **Section R503.1.2 Heating and cooling systems** (*2018 IECC change*): Changes the reference to all of Section R403 rather than calling out specific subsections.

52. **Chapter 6, Referenced standards** (*2018 IECC change*): Various standards are updated; new standards are added for pools & spas, air leakage, fireplace efficiency.

53. **Appendix RA/RB** (*proposed state amendment*): Optional appendices for building owners to achieve six percent (RA) or twelve percent (RB) energy savings over the base code.

54. Chapter 51-11C WAC, **Appendix A Section A103.3.4, Log Wall** (*proposed state amendment*): Log wall requirements are changed to reference ICC 400 to correlate with the change to Table R402.1.1.

55. Chapter 51-11C WAC, **Appendix A Section 104.1, Default wall U-factors and slab F-factors for basements** (*proposed state amendment*): Below grade wall U-factors are updated to 1991 Super Good Cents Heat Loss Reference Guide and correlate with the changes to Table R402.1.3.

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.045, 19.27A.160.

Statute Being Implemented: Chapters 19.27A, 19.27 RCW.

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

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, 1500 Jefferson Street S.E., P.O. Box 41449, Olympia, WA 98504-1449, 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 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.

#### Small Business Economic Impact Statement

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 record keeping.

**Description:** The Washington state building code council (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 51-11R WAC include specific technical requirements for building construction to be consistent with national standards.

The 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 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 thirty-six proposals to improve the residential WSEC. The Energy Code technical advisory group (TAG) recommended approval of twenty-five amendments as submitted or as modified. Nineteen proposed amendments were identified by TAG as having a significant cost.

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. WSEC-R Chapter 2 High Efficiency Lamps (Proposal 19-WSEC-R19): This amendment saves energy and provides purchasing guidance. 30 LED lamps operating 1000 hours per year provide savings of \$959, compared to CFL providing similar output.

2. WSEC R401.3 (Proposal 19-WSEC R08 Rev): Requires verification that the whole-house mechanical ventilation system is installed correctly. Verification cost is estimated at \$9-\$12, assuming 15-20 minutes for a skilled laborer with a labor rate of \$35/hour.

3. WSEC R401.3 (Proposal 19-WSEC-R13): Adds a new certificate requirement to document "ventilate right." Verification cost is estimated at \$18-\$24, assuming 30-40 minutes for a skilled laborer with a labor rate of \$35/hour.

4. WSEC Table R402.1.1 (Proposal 19-WSEC-R12 Rev): Provides more flexibility by allowing a prescriptive compliance option when existing garages, metal or masonry shops are converted from unconditioned space to conditioned space for ADU or nondwelling buildings such as heated shops. The energy saving will improve the compliance and enforcement with WSEC chapter 5 ADU and heated shop additions.

5. WSEC Table R402.1.1 (Proposal 19-WSEC-R22): Upgrades log wall standards to the national IRC requirements. \$5.55/square foot or approximately \$5,272/dwelling unit).

6. WSEC R402.4.1.2 (Proposal 19-WSEC-R20): For the purpose of air leakage testing only, the volume of the living space shall be the conditioned floor area (square feet) multiplied by 8.5 (feet). A home with the 8' walls will result in some increased energy use and life cycle cost while buildings with taller walls will have more than \$1000 of energy savings, twice the value of the additional cost.

7. WSEC 402.4.2 (Proposal 19-WSEC-R27): Establishes a minimum efficiency performance threshold for fireplaces based on the Canadian FE Standard. The primary economic benefit to the homeowner is lower gas bills during the heating season by using a fireplace that consumes gas in a more efficient manner compared to a market baseline unit. \$0.07/square foot or 0.85 KBTU/square foot (based on 2,200 square foot house) or \$147/dwelling unit.

8. WSEC R402.4.1.2, R403.3.7, R405.3, R406, Chapter 6 (Proposal 19-WSEC-R31): Increases the proposed number of energy efficiency credits required. Costs and energy savings are captured in or Proposal 19-WSEC-R31.

9. WSEC R403.1.1 (Proposal 19-WSEC-R11 Rev 2): Requires a programmable thermostat be installed in accessory dwelling units. Will increase the cost of construction because an additional programmable thermostat separate from the primary dwelling unit will be required in accessory dwelling units. An advanced programmable thermostat that includes 5/2 programming and 7-day programming cost between \$80-\$250 dollars. The installation costs by an HVAC contractor could be \$75-\$150. However, connecting a programmable thermostat to an existing heating system or to a new system is where most of the cost will be incurred. 2 zone system added to an existing system, Total cost \$3920.00. One head mini split system Heat Pump with pro-

grammable thermostat, Total cost \$5,245.00. Three in wall electric heaters with programmable thermostat, Total cost \$1,155.00. Can save as much as ten percent a year on heating and cooling by simply turning your thermostat back 7°-10°F for eight hours a day from its normal setting. The percentage of savings from setback is greater for buildings in milder climates than for those in more severe climates.

10. WSEC R403.1.3, R403.10.1 (Proposal 19-WSEC-R28): Prohibit the use of standing (continuous) pilot lights on select gas-fired appliances. Non-continuous ignition types have long existed in the market to replace standing pilot lights for many household appliances and space heating systems. \$0.047/square foot or \$105/dwelling unit. 0.015 KWH/square foot or 1.27 KBTU/square foot (based on a 2,200 square foot home or 0.012 KWH/KBTU/dwelling unit.

11. WSEC R403.5.4 and Table 406.2 section 5(d) (Proposal 19-WSEC-R02): Amends the language in the code to recognize drain water heat recovery devices that are certified and rated to an IAPMO standard for drain water heat recovery. It will become possible to install devices in locations where the vertical drop is not sufficient to install a vertical device (e.g. showers in basements and many ground floors).

12. WSEC R403.5.5 (Proposal 19-WSEC-R04): Does not require insulation under electric water heaters in heated spaces. **Savings** to the owner of approximately \$15/dwelling unit or \$0.01/square foot.

13. WSEC R404 (Proposal 19-WSEC-R33): Makes it easy for homeowners to choose either electric or gas appliances and water heating equipment by ensuring that a home built with gas or propane can easily accommodate future electric appliances and equipment. The cost of meeting these electric-ready requirements when the house is being built, walls are open, and the trades are already on-site, is marginal compared to the cost of retrofitting a building for these requirements.

14. WSEC Table 406.2 (Proposal 19-WSEC-R10): Provides an option to earn a 0.5 energy credits [credit] in the prescriptive table for advanced framing and raised heel trusses or rafters. Adding similar free space for rafter systems is less than a five percent cost difference. 0.267 KWH/square foot or 588 KWH/KBTU/dwelling unit. There will be a 5.3 percent saving gained with raised heel truss and U=0.28 windows.

15. WSEC Table 406.2 (Proposal 19-WSEC-R15): Provides an option to earn a 0.5 energy credit under section 4 of the prescriptive table for mechanical ductwork that is deeply buried in under attic insulation. \$-0.16/square foot or \$-396/dwelling unit. Installation of flexible ductwork for deeply buried ducts requires ~25 percent less materials (~100 LF @ \$2/LF) and fifteen to twenty percent less labor (~5.6 hrs @ \$35/hr). In a typical 2,500 square foot single family residence, this equates to a **savings** of \$396.

16. WSEC R401, R408 (new section) (Proposal 19-WSEC-R32): Adds passive house certification (PHIUS and PHI) as a high-level alternate compliance paths [path]. \$7.10/square foot or \$9800/dwelling unit. 11 KBTU/square foot or 19,500 KBTU/dwelling unit.

17. WSEC New Appendix X, New Appendix Y (Proposal 19-WSEC-R35): Creates two optional appendix chapters, Appendix X which increases energy efficiency by approximately eight percent and Appendix Y which increases

energy efficiency by approximately sixteen percent. Costs and energy savings are captured in the Proposal 19-WSEC-R35.

18. WSEC R402.4.1.2, R403.3.7, R405.3, R406 (Proposal 19-WSEC-R36 Rev) and (Proposal 19-WSEC-R23): This amendment updates Section R406 based on carbon emissions drawn from the carbon accounting and requires additional energy efficiency credits. It amends portions of the prescriptive code to support revisions to Section R406. Costs and energy savings are captured in the document "Cost Summaries for Proposal 19-WSEC-R26 Rev.[]" and Proposal 19-WSEC-R23.

**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. 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:** 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 TAGs.

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

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
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.

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

August 5, 2019  
 Doug Orth  
 Council Chair

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

**WAC 51-11C-610334 Section A103.3.4—Log wall.**

**A103.3.4 Log wall.** ((See Table A103.3.4.

**Table A103.3.4  
 Log Walls**

Average Log Diameter, Inches	U-factor
NOTE: R-value of wood: R-1.25 per inch thickness	
Average wall thickness	
90% average log diameter	
6	0.148
8	0.111
10	0.089
12	0.074
14	0.063
16	0.056))

U-factors for log walls shall be determined using ICC 400 Table 305.3.1.1, U-Factor of log wall ( $U_w$ ) by log thickness ( $W_l$ ) and specific gravity.

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

**WAC 51-11C-61041 Section A104.1—General.**

**A104.1 General.** Table A104.1 lists heat loss coefficients for below-grade walls and floors.

Coefficients for below-grade walls are given as U-factors (Btu/h • ft<sup>2</sup> • °F of wall area). Coefficients for below-grade slabs are listed as F-factors (Btu/h • ft • °F per lineal foot of slab perimeter).

Below-grade wall U-factors are only valid when used with the accompanying below-grade slab F-factor, and vice versa.

**Table A104.1**

**Default Wall U-factors and Slab F-factors for Basements**

	((Below-Grade Wall U-factor	Below-Grade Slab F-factor
<b>2 Foot Depth Below Grade</b>		
Uninsulated	0.350	0.59
R-11 Interior	0.066	0.68
R-11 Interior w/TB	0.070	0.60
R-19 Interior	0.043	0.69
R-19 Interior w/TB	0.045	0.61
R-10 Exterior	0.070	0.60
R-12 Exterior	0.061	0.60
<b>3.5 Foot Depth Below Grade</b>		
Uninsulated	0.278	0.53
R-11 Interior	0.062	0.63
R-11 Interior w/TB	0.064	0.57
R-19 Interior	0.041	0.64
R-19 Interior w/TB	0.042	0.57
R-10 Exterior	0.064	0.57
R-12 Exterior	0.057	0.57
<b>7 Foot Depth Below Grade</b>		

	<del>((Below-Grade Wall U-factor</del>	<del>Below-Grade Slab F-factor</del>
Uninsulated	0.193	0.46
R-11 Interior	0.054	0.56
R-11 Interior w/TB	0.056	0.42
R-19 Interior	0.037	0.57
R-19 Interior w/TB	0.038	0.43
R-10 Exterior	0.056	0.42
R-12 Exterior	0.050	0.42))

	<u>Below Grade Wall U-factor</u>	<u>Below Grade Slab F-factor</u>
<b>2 Foot Depth Below Grade</b>		
Uninsulated	0.331	0.58
R-11 Interior	0.063	0.67
R-11 Interior w/TB	0.065	0.59
R-19 Interior	0.042	0.68
R-19 Interior w/TB	0.045	0.59
R-21 Interior	0.040	0.68
R-21 Interior w/TB	0.042	0.59
R-21+R-5 ci Interior	0.031	0.68
R-21+R-5 Interior w/TB	0.032	0.59
R-21 plus R-7 ci Interior	0.029	0.68
R-21+R-7 Interior w/TB	0.030	0.59
R-10 Exterior	0.089	0.56
R-12 Exterior	0.061	0.60
<b>3.5 Foot Depth Below Grade</b>		
Uninsulated	0.271	0.51
R-11 Interior	0.058	0.61
R-11 Interior w/TB	0.061	0.55
R-19 Interior	0.041	0.62
R-19 Interior w/TB	0.042	0.55
R-21 Interior	0.038	0.63
R-21 Interior w/TB	0.040	0.56
R-21+R-5 Interior	0.030	0.632
R-21+R-5 Interior w/TB	0.031	0.56
R-21 plus R-7 ci	0.027	0.63
R-21 plus R-7 ci w/TB	0.029	0.56
R-10 Exterior	0.075	0.52
R-12 Exterior	0.057	0.57

	<u>Below Grade Wall U-factor</u>	<u>Below Grade Slab F-factor</u>
<b>7 Foot Depth Below Grade</b>		
Uninsulated	0.185	0.43
R-11 Interior	0.051	0.541
R-11 Interior w/TB	0.053	0.49
R-19 Interior	0.036	0.54
R-19 Interior w/TB	0.037	0.50
R-21 Interior	0.035	0.56
R-21 Interior w/TB	0.035	0.50
R-21+R-5 Interior	0.027	0.56
R-21+R-5 Interior w/TB	0.028	0.51
R-21+R-7 Interior	0.025	0.57
R-21+R-7 Interior w/TB	0.026	0.51
R-10 Exterior	0.058	0.47
R-12 Exterior	0.050	0.42

TB = R-5 Thermal Break

**Chapter 51-11R WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2015)) 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, RESIDENTIAL**

AMENDATORY SECTION (Amending WSR 17-17-160, filed 8/23/17, effective 10/1/17)

**WAC 51-11R-10100 Section R101—Scope and general requirements.**

**R101.1 Title.** This code shall be known as the *Washington State Energy Code-Residential*, and shall be cited as such. It is referred to herein as "this code."

**R101.2 Scope.** This code applies to *residential buildings* and the buildings sites and associated systems and equipment. This code shall be the maximum and minimum energy code for residential construction in each town, city and county. Residential *sleeping units*, 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 shall utilize the commercial building sections of the energy code regardless of the number of stories of height above grade plane.

**R101.3 Intent.** This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful 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 environmen-

tal requirements contained in other applicable codes or ordinances.

**R101.4 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.

**R101.4.1 Mixed (~~occupancy~~) residential and commercial buildings.** Where a building includes both *residential building* and *commercial* (~~occupancies~~) *building portions*, each (~~occupancy~~) *portion* shall be separately considered and meet the applicable provisions of the WSEC - Commercial (~~and~~) or WSEC - Residential Provisions.

**R101.5 Compliance.** *Residential buildings* shall meet the provisions of WSEC - Residential Provisions. *Commercial buildings* shall meet the provisions of WSEC - Commercial Provisions.

**R101.5.1 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.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-10200 Section R102—(~~Applicability—Duties and powers of the code official~~) Alternative materials, design and methods of construction and equipment.**

**R102.1 (~~Alternate materials, design and methods of construction and equipment~~) General.** The provisions of this code are not intended to prevent the 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~~). The *code official* shall (~~be permitted~~) have the authority to approve an alternative material, design or method of construction (~~where~~) upon application of the owner or owner's authorized agent. The *code official* shall first find (~~(s)~~) 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, (~~(at least)~~) not less than the equivalent of that prescribed in this code for 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 reason why the alternative was not approved.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-10400 Section R104—Inspections.**

**R104.1 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, and such construction or work shall remain (~~accessible and exposed~~) visible and able to be

accessed for inspection purposes until *approved*. 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.

**R104.2 Required inspections.** The *code official* or his or her designated agent, upon notification, shall make the inspections set forth in Sections R104.2.1 through R104.2.5.

**R104.2.1 Footing and foundation inspection.** Inspections associated with footings and foundations shall verify compliance with the code as to *R*-value, location, thickness, depth of burial and protection of insulation as required by the code and approved plans and specifications.

**R104.2.2 Framing and rough-in inspection.** Inspections at framing and rough-in 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 and SHGC) and proper installation; and air leakage controls as required by the code and approved plans and specifications.

**R104.2.2.1 Wall insulation inspection.** The building official, upon notification, shall make a wall insulation inspection in addition to those inspections required in Section R109 of the International Residential Code. This inspection shall be made after all wall and cavity insulation is in place and prior to cover.

**R104.2.3 Plumbing rough-in inspection.** Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding *R*-values and protection, and required controls.

**R104.2.4 Mechanical rough-in inspection.** Inspections at mechanical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed HVAC equipment type and size, required controls, system insulation and corresponding *R*-value, system air leakage control, programmable thermostats, dampers, whole-house ventilation and minimum fan efficiency.

EXCEPTION: Systems serving multiple dwelling units shall be inspected in accordance with Section C104.2.4.

**R104.2.5 Final inspection.** The building shall have a final inspection and not be occupied until *approved*.

**R104.3 Reinspection.** A building shall be reinspected when determined necessary by the *code official*.

**R104.4 Approved inspection agencies.** The *code official* is authorized to accept reports of third-party inspection agencies not affiliated with the building design or construction, provided such agencies are *approved* as to qualifications and reliability relevant to the building components and systems they are inspecting.

**R104.5 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.

**R104.6 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.

**R104.7 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*.

**R104.7.1 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 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-20201 Section R202.1—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*").

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

**ADVANCED FRAMED WALLS.** Studs framed on 24-inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2x material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See **Standard Framing** and Appendix A, of this code.)

**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-IMPERMEABLE INSULATION.** An insulation that functions as an air barrier material.

**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 that is regularly engaged in conducting tests or furnishing inspection services, ~~((when))~~ or furnishing product certification, where such agency has been approved by the *code official*.

**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 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-20202 Section R202.2—B.**

**BASEMENT WALL.** See *above-grade wall* and *below-grade wall*.

**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.

**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 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* and exempt or unconditioned space.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-20203 Section R202.3—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> × °F) [W/(m<sup>2</sup> × K)].

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

**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.

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

**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 or 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.

**CONNECTED THERMOSTAT.** An internet enabled device that automatically adjusts heating and cooling temperature settings.

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

**CONTINUOUS INSULATION (c.i.).** Insulating material that is continuous across all structural members without thermal bridges other than fasteners and service openings. It is installed on the interior or exterior or is integral to any opaque surface of the building envelope.

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

**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 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-20204 Section R202.4—D.**

**DEMAND RECIRCULATION WATER SYSTEM.** A water distribution system ~~((where pump(s) 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.

**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.

**DUCTLESS MINI-SPLIT HEAT PUMP SYSTEM.** A heating and cooling system that is comprised of one or multiple indoor evaporator/air-handling units and an outdoor condensing unit that is connected by refrigerant piping and electrical wiring. A ductless mini-split system is capable of cooling or heating one or more rooms without the use of a central ductwork system.

**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.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-20206 Section R202.6—F.**

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

**VERTICAL FENESTRATION.** Windows (fixed or ~~((moveable)) 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 from horizontal. Opaque areas such as spandrel panels are not considered vertical fenestration.

**SKYLIGHT.** Glass or other transparent or translucent glazing material installed with a slope of less than 60 degrees from horizontal.

**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 × ft × °F) [W/(m × K)].

**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 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-20208 Section R202.8—H.**

**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.

**HIGH-EFFICACY ~~((LAMPS. Compact fluorescent lamps))~~ LIGHT SOURCES.** Fixtures that use light emitting diodes (LED), T-8 or smaller diameter linear fluorescent lamps, or other lamps with a minimum efficacy of(~~(=~~

1. 60 lumens per watt for lamps over 40 watts;
2. 50 lumens per watt for lamps over 15 watts to 40 watts; and
3. 40 lumens per watt for lamps 15 watts or less)) 65 lumens per watt.

**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.

**AMENDATORY SECTION** (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-20212 Section R202.12—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 pro-



duction 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.

**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.

**LOG STRUCTURE.** A type of construction whose primary structural elements are formed by a system of logs.

**LOG WALL.** An assembly of individual structural logs for use as an exterior or interior load bearing wall, shear wall or non-load bearing wall.

**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.

**AMENDATORY SECTION** (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-20215 Section R202.15—O.**

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

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-20218 Section R202.18—R.**

**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*").

**REPAIR.** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

**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)~~) and Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, as well as accessory structures thereto.

**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(~~(;)~~) and roof deck, and can also include a thermal barrier, an ignition barrier, insulation(~~(;)~~) or a vapor retarder (~~(and interior finish)~~).

**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.

**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 ( $h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ ) [ $(\text{m}^2 \cdot \text{K})/\text{W}$ ].

**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 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-30310 Section R303.1—Identification.**

**R303.1 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.

**R303.1.1 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) insulation, 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.

**R303.1.1.1 Blown or sprayed roof/ceiling insulation.** The thickness of blown-in or sprayed 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>) throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers a minimum of 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.

**EXCEPTION:** For roof insulation installed above the deck, the *R*-value shall be labeled as required by the material standards specified in Table 1508.5 of the *International Building Code* or Table R906.2 of the *International Residential Code*.

**R303.1.2 Insulation mark installation.** Insulating materials shall be installed such that the manufacturer's *R*-value mark is readily observable upon inspection.

**R303.1.3 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.

*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 R303.1.3(1), R303.1.3(2) or R303.1.3(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 R303.1.3(3).

EXCEPTIONS: 1. Units without NFRC ratings produced by a *small business* may be assigned default *U*-factors from Table R303.1.3(5) for vertical fenestration.  
 2. Owner-built, nonoperable wood frame window consisting of a double pane unit with low-*e* (*E* = 0.04 or less), 1/2-inch air space with argon fill.

**R303.1.4 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 × ft<sup>2</sup> × °F/Btu at a mean temperature of 75°F (24°C).

**R303.1.4.1 Insulated siding.** The thermal resistance (*R*-value) of insulated siding shall be determined in accordance with ASTM C1363. Installation for testing shall be in accordance with the manufacturer's installation instructions.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-30311 Table R303.1.3(1)—Default glazed fenestration *U*-factor.**

**TABLE R303.1.3(1)  
 DEFAULT GLAZED ((FENESTRATION)) WINDOW, GLASS DOOR  
 AND SKYLIGHT *U*-FACTOR**

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT See Table R303.1.3(4)
Metal	1.20	0.80	
Metal with Thermal Break <sup>a</sup>	1.10	0.65	
Nonmetal or Metal Clad	0.95	0.55	
Glazed Block	0.60		

<sup>a</sup>Metal Thermal Break = A metal thermal break framed window shall incorporate the following minimum design characteristics:

- 1) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft<sup>2</sup>/°F;
- 2) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and
- 3) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

AMENDATORY SECTION (Amending WSR 14-24-123, filed 12/3/14, effective 1/3/15)

**WAC 51-11R-30312 Table R303.1.3(2)—Default opaque door *U*-factors.**

**TABLE R303.1.3(2)  
 DEFAULT OPAQUE DOOR *U*-FACTORS**

Door Type	No Glazed Fenestration	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
<b>SWINGING DOORS (Rough opening - 38 in. x 82 in.)</b>					
<b>Slab Doors</b>					
Wood slab in wood frame <sup>a</sup>	0.46				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazed fenestration (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazed fenestration (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Insulated steel slab with wood edge in wood frame <sup>a</sup>	0.16				

Door Type	No Glazed Fenestration	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
6% glazed fenestration (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazed fenestration (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazed fenestration (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Foam insulated steel slab with metal edge in steel frame <sup>b</sup>	0.37				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazed fenestration (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazed fenestration (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Cardboard honeycomb slab with metal edge in steel frame <sup>b</sup>	0.61				
<b>Style and Rail Doors</b>					
Sliding glass doors/French doors	Use Table R303.1.3(1)				
<b>Site-Assembled Style and Rail Doors</b>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63

Note: Appendix A Tables A107.1(2) through A107.1(4) may also be used if applicable.

a Thermally broken sill (add 0.03 for nonthermally broken sill).

b Nonthermally broken sill.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40100 Section R401—General.**

**R401.1 Scope.** This chapter applies to residential buildings.

**R401.2 Compliance.** Projects shall comply with one of the following:

1. Sections R401 through R404. In addition, dwelling units and sleeping units in a residential building shall comply with Section R406.

2. Section R405 ~~((and the provisions of Sections R401 through R404 labeled "Mandatory."))~~. In addition, dwelling units and sleeping units in a residential building shall comply with Section R406.

3. Section R407.

**R401.3 Certificate ~~((Mandatory))~~.** A permanent certificate shall be completed by the builder or ~~((registered design professional))~~ other approved party and posted on a wall in

the space where the furnace is located, a utility room, or an approved location inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *below-grade wall*, and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration ~~((and))~~; the results from any required duct system and building envelope air leakage testing done on the building; and the results from the whole-house mechanical ventilation system flow rate test. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling, whole-house mechanical ventilation, and service water heating ~~((equipment))~~ appliances. Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the

residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be *listed* for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

The code official may require that documentation for any required test results include an electronic record of the time, date, and location of the test. A date-stamped smart phone photo or air leakage testing software may be used to satisfy this requirement.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-40210 Section R402.1—General.**

**R402.1 General ((~~Prescriptive~~)).** The *building thermal envelope* shall meet the requirements of Sections R402.1.1 through ((R402.1.5)) R402.1.6.

EXCEPTION: 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 the *building thermal envelope* provisions of this code.

1. Those 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> of floor area for space conditioning purposes.
2. Those that do not contain *conditioned space*.
3. Greenhouses isolated from any conditioned space and not intended for occupancy.

**R402.1.1 Insulation and fenestration criteria.** The *building thermal envelope* shall meet the requirements of Table R402.1.1 based on the climate zone specified in Chapter 3.

**R402.1.2 R-value computation.** Insulation R-value shall be determined as specified in Section R303.1.4. Insulation material used in layers, such as framing cavity insulation or continuous insulation, shall be summed to compute the corresponding component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films. Where insulated siding is used for the purpose of complying with the continuous insulation requirements of Table R402.1.1, the ((~~manufacturer must supply an ICC Report that~~

~~the R-factor has been certified, or use R-5 per inch for extruded polystyrene, and R-6 per inch for polyisocyanurate rigid insulation)) manufacturer's labeled R-value for insulated siding shall be reduced by R-0.6.~~

**R402.1.3 U-factor alternative.** An assembly with a U-factor equal to or less than that specified in Table R402.1.3 shall be permitted as an alternative to the R-value in Table R402.1.1. U-factors shall be determined as specified in Section R402.1.5.

**R402.1.4 Total UA alternative.** If the ((~~total~~)) proposed building thermal envelope UA ((sum of U-factor times assembly area)) is less than or equal to the ((~~total UA resulting from using the U-factors in Table R402.1.3 (multiplied by the same assembly area as in the proposed building))~~) target UA, the building shall be considered in compliance with Table R402.1.1. The proposed UA shall be calculated in accordance with Equation 2. The target UA shall be calculated in accordance with Equation 1. U-factors shall be determined as specified in Section R402.1.5.

**R402.1.5 U-factor reference and calculations.** The U-factors for typical construction assemblies are included in Appendix A in chapter 51-11C WAC. 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 of Fundamentals* using the framing factors listed in Appendix A where applicable and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance. ((~~When using RES-check, the U-factors calculated by the software based on component R-value descriptions are acceptable. For the base building UA calculation, the maximum glazing area is 15% of the floor area.~~

~~R402.1.5))~~ Fenestration U-factors shall comply with Section R303.1.3. Fenestration product rating.

**R402.1.6 Vapor retarder.** Wall assemblies in the building thermal envelope shall comply with the vapor retarder requirements of Section R702.7 of the *International Residential Code* or Section 1405.3 of the *International Building Code*, as applicable.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-40211 Table R402.1.1—Insulation and fenestration requirements by component.**

TABLE R402.1.1  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>

<del>((Climate Zone</del>	<del>Fenestration U-Factor<sup>b</sup></del>	<del>Skylight<sup>b</sup> U-Factor</del>	<del>Glazed Fenestration-SHGC<sup>b,c</sup></del>	<del>Ceiling R-Value<sup>e</sup></del>	<del>Wood Frame Wall<sup>g,h</sup> R-Value</del>	<del>Mass Wall R-Value<sup>i</sup></del>	<del>Floor R-Value</del>	<del>Below-Grade<sup>e,m</sup> Wall R-Value</del>	<del>Slab<sup>d,f</sup> R-Value &amp; Depth</del>
<del>5 and Marine 4</del>	<del>0.30</del>	<del>0.50</del>	<del>NR</del>	<del>49</del>	<del>21 int</del>	<del>21/21</del>	<del>30</del>	<del>10/15/ 21int+TB</del>	<del>10, 2 ft))</del>
<u>Climate Zone</u>	<u>Fenestration U-Factor<sup>b</sup></u>	<u>Skylight<sup>b</sup> U-Factor</u>	<u>Ceiling R-Value<sup>e</sup></u>	<u>Wood Frame Wall<sup>g,h</sup> R-Value</u>	<u>Floor R-Value</u>	<u>Below-Grade<sup>e,h</sup> Wall R-Value</u>	<u>Slab<sup>d,f</sup> R-Value &amp; Depth</u>		
<u>5 and Marine 4</u>	<u>0.30</u>	<u>0.50</u>	<u>49</u>	<u>21 int</u>	<u>30</u>	<u>10/15/ 21int+5TB</u>	<u>10, 2 ft</u>		

For SI: 1 foot = 304.8 mm, ci = continuous insulation, int = intermediate framing.

<sup>a</sup> *R*-values are minimums. *U*-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the compressed *R*-value of the insulation from Appendix Table A101.4 shall not be less than the *R*-value specified in the table.

<sup>b</sup> The fenestration *U*-factor column excludes skylights. ((The SHGC column applies to all glazed fenestration.))

<sup>c</sup> "10/15/21+5TB" means R-10 continuous insulation on the exterior of the wall, or R-15 on the continuous insulation on the interior of the wall, or R-21 cavity insulation plus a thermal break between the slab and the basement wall at the interior of the basement wall.

"10/15/21+5TB" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the wall. "TB" means R-5 thermal break between floor slab and basement wall.

<sup>d</sup> R-10 continuous insulation is required under heated slab on grade floors. See Section R402.2.9.1.

((<sup>e</sup> There are no SHGC requirements in the Marine Zone.

<sup>f</sup> Reserved.

<sup>g</sup> Reserved.

<sup>h</sup> Reserved.

<sup>i</sup> The second *R*-value applies when more than half the insulation is on the interior of the mass wall.

<sup>j</sup> Reserved.

<sup>k</sup> For single rafter- or joist-vaulted ceilings, the insulation may be reduced to R-38.

<sup>l</sup> Reserved.

<sup>m</sup> Int. (intermediate framing) denotes standard framing 16 inches on center with headers insulated with a minimum of R-10 insulation.

<sup>n</sup> Log and solid timber walls with a minimum average thickness of 3.5 inches are exempt from this insulation requirement.))

<sup>e</sup> For single rafter- or joist-vaulted ceilings, the insulation may be reduced to R38 if the full insulation depth extends over the top plate of the exterior wall.

<sup>f</sup> R-7.5 continuous insulation installed over an existing slab is deemed to be equivalent to the required perimeter slab insulation when applied to existing slabs complying with Section R503.1.1. If foam plastic is used, it shall meet the requirements for thermal barriers protecting foam plastics.

<sup>g</sup> For log structures developed in compliance with Standard ICC 400, log walls shall meet the requirements for *climate zone 5* of ICC 400.

<sup>h</sup> Int. (intermediate framing) denotes framing and insulation as described in Section A103.2.2 including standard framing 16 inches on center, 78 percent of the wall cavity insulated and headers insulated with a minimum of R-10 insulation.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40213 Table R402.1.3—Equivalent *U*-factors.**

**TABLE R402.1.3  
EQUIVALENT *U*-FACTORS<sup>a</sup>**

<b>((Climate Zone</b>	<b>Fenestration <i>U</i>-Factor</b>	<b>Skylight <i>U</i>-Factor</b>	<b>Ceiling <i>U</i>-Factor</b>	<b>Frame Wall <i>U</i>-Factor</b>	<b>Mass Wall <i>U</i>-Factor<sup>b</sup></b>	<b>Floor <i>U</i>-Factor</b>	<b>Below- Grade Wall- <i>U</i>-Factor</b>
5 and Marine 4	0.30	0.50	0.026	0.056	0.056	0.029	0.042))

<b>Climate Zone 5 and Marine 4</b>	
<b>Fenestration <i>U</i>-Factor</b>	<u>0.30</u>
<b>Skylight <i>U</i>-Factor</b>	<u>0.50</u>
<b>Ceiling <i>U</i>-Factor</b>	<u>0.026</u>
<b>Above-Grade Wall <i>U</i>-Factor</b>	<u>0.056</u>
<b>Floor <i>U</i>-Factor</b>	<u>0.029</u>
<b>Slab on Grade <i>F</i>-Factor</b>	<u>0.54</u>
<b>Below Grade 2' Depth</b>	
<b>Wall <i>U</i>-Factor</b>	<u>0.042</u>
<b>Slab <i>F</i>-Factor</b>	<u>0.59</u>
<b>Below Grade 3.5' Depth</b>	
<b>Wall <i>U</i>-Factor</b>	<u>0.040</u>

<b>Climate Zone 5 and Marine 4</b>	
<b>Slab <i>F</i>-Factor</b>	<u>0.56</u>
<b>Below Grade 7' Depth</b>	
<b>Wall <i>U</i>-Factor</b>	<u>0.035</u>
<b>Slab <i>F</i>-Factor</b>	<u>0.50</u>

<sup>a</sup> ((Nonfenestration)) *U*-factors or *F*-factors shall be obtained from measurement, calculation or an approved source or as specified in Section ((R402.1.3)) R402.1.5.

((<sup>b</sup> Reserved.

<sup>c</sup> Reserved.))

NEW SECTION

**WAC 51-11R-40215 Target/Proposed UA equations.**

**EQUATION 1 - GROUP R OCCUPANCY  
TARGET UA**

$$UA_T = U_W A_W + U_{BGW} A_{BGW} + U_{VG} A_{VG} + U_{OG} A_{OG} + U_F A_F + U_{RC} A_{RC} + U_D A_D + F_S P_S + F_{BGS} P_{BGS}$$

**Where:**

- $UA_T$  = The target combined thermal transmittance of the gross exterior wall, floor and roof/ceiling area.
- $U_W$  = The thermal transmittance value of the opaque above grade wall found in Table R402.1.3.
- $A_W$  = Opaque above grade wall area.
- $U_{BGW}$  = The thermal transmittance value of the below grade opaque wall found in Table R402.1.3.
- $A_{BGW}$  = Opaque below grade wall area.
- $U_{VG}$  = The thermal transmittance value of the fenestration found in Table R402.1.3.
- $A_{VG}$  = (a) The proposed glazing area; where proposed fenestration glazing area is less than 15 percent of the conditioned floor area, minus  $A_{OG}$   
(b) 15 percent of the conditioned floor area; where the proposed fenestration glazing area is 15 percent or more of the conditioned floor area, minus  $A_{OG}$
- $U_{OG}$  = The thermal transmittance value of the skylight glazing found in Table R402.1.3.
- $A_{OG}$  = Skylight glazing area (if the proposed  $A_{OG}$  exceeds 15 percent, the target  $A_{OG}$  shall be 15 percent of the total floor area of the conditioned space).
- $U_F$  = The thermal transmittance value of the floor found in Table R402.1.3.
- $A_F$  = Floor area over unconditioned space.
- $U_{RC}$  = The thermal transmittance value of the ceiling found in Table R402.1.3.
- $A_{RC}$  = Roof/ceiling area.
- $U_D$  = The thermal transmittance value of the fenestration found in Table R402.1.3.
- $A_D$  = Opaque door area.
- $F_S$  = Concrete slab on grade component *F*-factor found in Table R402.1.3.
- $P_S$  = Lineal ft. of concrete slab on grade perimeter.
- $F_{BGS}$  = Concrete below grade slab component *F*-factor found in Table R402.1.3.
- $P_{BGS}$  = Lineal ft. of concrete below grade slab perimeter.

**EQUATION 2 - GROUP R OCCUPANCY  
PROPOSED UA**

$$UA = U_W A_W + U_{BGW} A_{BGW} + U_{VG} A_{VG} + U_{OG} A_{OG} + U_F A_F + U_{RC} A_{RC} + U_D A_D + F_S P_S + F_{BGS} P_{BGS}$$

**Where:**

- $UA$  = The combined thermal transmittance of the gross exterior wall, floor and roof/ceiling assembly area.
- $U_W$  = The thermal transmittance of the opaque above grade wall area.
- $A_W$  = Opaque above grade wall area.
- $U_{BGW}$  = The thermal transmittance value of the below grade opaque wall.
- $A_{BGW}$  = Opaque below grade wall area.
- $U_{VG}$  = The thermal transmittance value of the fenestration glazing.
- $A_{VG}$  = Fenestration glazing area, including windows in exterior doors.
- $U_{OG}$  = The thermal transmittance value of the skylight glazing.

A <sub>OG</sub>	=	Skylight glazing area.
U <sub>F</sub>	=	The thermal transmittance of the floor.
A <sub>F</sub>	=	Floor area over unconditioned space.
U <sub>RC</sub>	=	The thermal transmittance of the ceiling.
A <sub>RC</sub>	=	Ceiling area.
U <sub>D</sub>	=	The thermal transmittance value of the opaque door area.
A <sub>D</sub>	=	Opaque door area.
F <sub>S</sub>	=	Concrete slab on grade component <i>F</i> -factor.
P <sub>S</sub>	=	Lineal ft. of concrete slab on grade perimeter.
F <sub>BGS</sub>	=	Concrete below grade slab component <i>F</i> -factor.
P <sub>BGS</sub>	=	Lineal ft. of concrete below grade slab perimeter.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into subelements as:

$$U_{W1}A_{W1} + U_{W2}A_{W2} + U_{W3}A_{W3} + \dots \text{etc.}$$

NOTE: Below grade walls: The wall is assumed to extend from the slab upward to the top of the mud sill for the distance specified in Table A104.1, with 6 inches of concrete wall extending above grade. This will be calculated separately from above grade walls using the wall height that best describes the system.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40220 Section R402.2—Specific insulation requirements.**

**R402.2 Specific insulation requirements (~~Prescriptive~~)).** In addition to the requirements of Section R402.1, insulation shall meet the specific requirements of Sections R402.2.1 through R402.2.11.

**R402.2.1 Ceilings with attic spaces.** Where Section R402.1.1 would require R-49 in the ceiling, installing R-38 over 100 percent of the ceiling area requiring insulation shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

**R402.2.1.1 Loose insulation in attic spaces.** Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge.

**R402.2.3 Eave baffle.** For air permeable insulations in vented attics, a baffle shall be installed adjacent to soffit and eave vents. Baffles shall maintain an opening equal to or greater than the size of the vent. The baffle shall extend over the top of the attic insulation. The baffle shall be permitted to be any solid material.

**R402.2.4 Access hatches and doors.** Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a

level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment that prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

EXCEPTION: Vertical doors that provide access from conditioned to unconditioned spaces shall be permitted to meet the fenestration requirements of Table R402.1.1.

**R402.2.5 Mass walls.** Mass walls (~~for the purposes of this chapter~~), where used as a component of the thermal envelope of a building, shall be (~~considered~~) one of the following:

1. Constructed of above-grade walls of concrete block, concrete, insulated concrete form (~~ICF~~), masonry cavity, brick (~~other than~~) but not brick veneer, (~~earth-~~)adobe, compressed earth block, rammed earth (~~and~~), mass timber, solid (~~timber/logs, or~~) timber or solid logs.

2. Any other wall(~~s~~) having a heat capacity greater than or equal to 6 Btu/ft<sup>2</sup> x °F (123 kJ/m<sup>2</sup> x K).

**R402.2.6 Steel-frame ceilings, walls, and floors.** Steel-frame ceilings, walls, and floors shall (~~meet~~) comply with the *U*-factor requirements of Table R402.1.3.

**R402.2.7 Floors.** Floor framing cavity insulation shall be installed to maintain permanent contact with the underside of the subfloor decking. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

- EXCEPTIONS:
1. The floor framing cavity insulation shall be permitted to be in contact with the topside of sheathing or continuous insulation installed on the bottom side of floor framing where combined with insulation that meets or exceeds the minimum Wood Frame Wall *R*-value in Table R402.1.1 and extends from the bottom to the top of all perimeter floor framing members.
  2. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.
  3. Substantial contact with the surface being insulated is not required in enclosed floor/ceiling assemblies containing ducts where full *R*-value insulation is installed between the duct and the exterior surface.

**R402.2.8 Below-grade walls.** Below-grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below-grade wall to the top of the footing and shall be approved for below-grade use. Above-grade insulation shall be protected. Insulation used on the interior (warm) side of the wall shall extend from the top of the below-grade wall to the below-grade floor level and shall include R-5 rigid board providing a thermal break between the concrete wall and the slab.

**R402.2.9 Slab-on-grade floors.** The minimum thermal resistance (*R*-value) of the insulation around the perimeter of unheated or heated slab-on-grade floors shall be as specified in Table C402.1.1. The insulation shall be placed on the outside of the foundation or on the inside of the foundation wall. The insulation shall extend downward from the top of the slab for a minimum distance as shown in the table or to the top of the footing, whichever is less, or downward to at least the bottom of the slab and then horizontally to the interior or exterior for the total distance shown in the table. A two-inch by two-inch (maximum) pressure treated nailer may be placed at the finished floor elevation for attachment of interior finish materials. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil.

**R402.2.9.1 Heated slab-on-grade floors ((~~Mandatory~~)).** The entire area of a heated slab-on-grade floor shall be thermally isolated from the soil with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the heated slab-on-grade floor, which results in increased convective flow below the heated slab-on-grade floor, the heated slab-on-grade floor shall be thermally isolated from the sub-slab gravel layer. R-10 heated slab-on-grade floor insulation is required for all compliance paths.

**R402.2.10 Reserved.**

**R402.2.11 Masonry veneer.** Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40230 Section R402.3—Fenestration.**

**R402.3 Fenestration ((~~Prescriptive~~)).** In addition to the requirements of Section R402, fenestration shall comply with Sections R402.3.1 through R402.3.5.

**R402.3.1 *U*-factor.** An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

**R402.3.2 Glazed fenestration SHGC.** An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

**R402.3.3 Glazed fenestration exemption.** Up to 15 square feet (1.4 m<sup>2</sup>) of glazed fenestration per dwelling unit shall be permitted to be exempt from *U*-factor and SHGC requirements in Section R402.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

**R402.3.4 Opaque door exemption.** One side-hinged opaque door assembly up to 24 square feet (2.22 m<sup>2</sup>) in area is exempted from the *U*-factor requirement in Section R402.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

**R402.3.5 Reserved.**

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40240 Section R402.4—Air leakage.**

**R402.4 Air leakage ((~~Mandatory~~)).** The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.4.

**R402.4.1 Building thermal envelope.** The *building thermal envelope* shall comply with Sections R402.4.1.1 and R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

**R402.4.1.1 Installation.** The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the *code official*, an *approved* third party shall inspect all components and verify compliance.

**R402.4.1.2 Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). For this test only, the volume of the home shall be the conditioned floor area in ft<sup>2</sup> (m<sup>2</sup>) multiplied by 8.5 feet (2.6 m). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. Once visual inspection has confirmed sealing (see Table R402.4.1.1), operable windows and



doors manufactured by *small business* shall be permitted to be sealed off at the frame prior to the test.

**EXCEPTION:** For dwelling units that are accessed directly from the outdoors, other than detached one family dwellings and townhouses, an air leakage rate not exceeding 0.4 cfm per square foot of the dwelling unit enclosure area shall be an allowable alternative. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827. For the purpose of this test only, enclosure area to be calculated as the perimeter of the dwelling unit, measured to the outside face of the exterior walls, and the centerline of party walls, times 8.5 feet, plus the ceiling and floor area. Doors and windows of adjacent dwelling units (including top and bottom units) shall be open to the outside during the test. This exception is not permitted for dwelling units that are accessed from corridors or other enclosed common areas.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, back-draft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open, access hatches to conditioned crawl spaces and conditioned attics shall be open;
4. Exterior (~~(openings)~~) or interior terminations for continuous ventilation systems and heat recovery ventilators shall be (~~(closed and)~~) sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

**EXCEPTIONS:**

1. Additions less than 500 square feet of conditioned floor area.
2. Additions tested with the existing home having a combined maximum air leakage rate of 7 air changes per hour. To qualify for this exception, the date of construction of the existing house must be prior to the 2009 Washington State Energy Code.

**R402.4.2 Fireplaces.** New wood-burning fireplaces shall have tight-fitting flue dampers or doors, and outdoor combustion air. When using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace. Where using tight-fitting doors on masonry fireplaces, the doors shall be listed and labeled in accordance with UL 907.

**R402.4.2.1 Gas fireplace efficiency.** All natural gas fireplaces designed to heat indoor space and/or provide aesthetic appeal (decorative) shall be listed and labeled with a fireplace efficiency (FE) rating of 65 percent or greater in accordance with CSA P.4.1.

**EXCEPTION:** Gas fireplaces that have a rated output less than 9,000 Btu/h.

**R402.4.3 Air leakage of fenestration.** Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot (1.5 L/s/m<sup>2</sup>), and swinging

doors no more than 0.5 cfm per square foot (2.6 L/s/m<sup>2</sup>), when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and *listed and labeled* by the manufacturer.

**EXCEPTIONS:**

1. Field-fabricated fenestration products (windows, skylights and doors).
2. Custom exterior fenestration products manufactured by a small business provided they meet the applicable provisions of Chapter 24 of the *International Building Code*. Once visual inspection has confirmed the presence of a gasket, operable windows and doors manufactured by *small business* shall be permitted to be sealed off at the frame prior to the test.

**R402.4.4 Combustion air openings.** In Climate Zones 3 through 8, where open combustion air ducts provide combustion air to open combustion, space conditioning fuel burning appliances, the appliances and combustion air openings shall be located outside of the building thermal envelope, or enclosed in a room isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of Table R402.1.1, where the walls, floors and ceilings shall meet the minimum of the below-grade wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section R403. The combustion air duct shall be insulated where it passes through conditioned space to a minimum of R-8.

**EXCEPTIONS:**

1. Direct vent appliances with both intake and exhaust pipes installed continuous to the outside.
2. Fireplaces and stoves complying with Section R402.4.2 and Section R1006 of the *International Residential Code*.

**R402.4.5 Recessed lighting.** Recessed luminaires installed in the *building thermal envelope* shall be Type IC-rated and certified under ASTM E283 as having an air leakage rate not more than 2.0 cfm (0.944 L/s) when tested at a 1.57 psf (75 Pa) pressure differential and shall have a label attached showing compliance with this test method. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

WAC 51-11R-40241 Table R402.4.1.1—Air barrier and insulation installation.

TABLE R402.4.1.1  
AIR BARRIER AND INSULATION INSTALLATION

COMPONENT	AIR BARRIER CRITERIA <sup>a</sup>	INSULATION CRITERIA <sup>a</sup>
General requirements	<p>A continuous air barrier shall be installed in the building envelope.</p> <p>Exterior thermal envelope contains a continuous air barrier.</p> <p>Breaks or joints in the air barrier shall be sealed.</p>	<p>Air-permeable insulation shall not be used as a sealing material.</p>
Cavity insulation installation		<p>All cavities in the thermal envelope shall be filled with insulation. The density of the insulation shall be at the manufacturers' product recommendation and said density shall be maintained for all volume of each cavity. Batt type insulation will show no voids or gaps and maintain an even density for the entire cavity. Batt insulation shall be installed in the recommended cavity depth. Where an obstruction in the cavity due to services, blocking, bracing or other obstruction exists, the batt product will be cut to fit the remaining depth of the cavity. Where the batt is cut around obstructions, loose fill insulation shall be placed to fill any surface or concealed voids, and at the manufacturers' specified density. Where faced batt is used, the installation tabs must be stapled to the face of the stud. There shall be no compression to the batt at the edges of the cavity due to inset stapling installation tabs.</p> <p>Insulation that upon installation readily conforms to available space shall be installed filling the entire cavity and within the manufacturers' density recommendation.</p>
Ceiling/attic	<p>The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed.</p> <p>Access openings, drop down stair or knee wall doors to unconditioned attic spaces shall be sealed.</p>	<p>The insulation in any dropped ceiling/soffit shall be aligned with the air barrier.</p> <p>Batt insulation installed in attic roof assemblies may be compressed at exterior wall lines to allow for required attic ventilation.</p>
Walls	<p>The junction of the foundation and sill plate shall be sealed. The junction of the top plate and top of exterior walls shall be sealed. Knee walls shall be sealed.</p>	<p>Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance of R-3 per inch minimum.</p> <p>Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.</p>
Windows, skylights and doors	<p>The space between window/door jambs and framing and skylights and framing shall be sealed.</p>	
Rim joists	<p>Rim joists shall include the air barrier.</p>	<p>Rim joists shall be insulated.</p>

COMPONENT	AIR BARRIER CRITERIA <sup>a</sup>	INSULATION CRITERIA <sup>a</sup>
Floors (including above garage and cantilevered floors)	The air barrier shall be installed at any exposed edge of insulation.	Floor framing cavity insulation shall be installed to maintain permanent contact with the underside of subfloor decking or floor framing cavity insulation shall be permitted to be in contact with the topside of sheathing or continuous insulation installed on the underside of floor framing and extend from the bottom to the top of all perimeter floor framing members.
Crawl space walls	Exposed earth in unvented crawl spaces shall be covered with a Class I, black vapor retarder with overlapping joints taped.	Where provided instead of floor insulation, insulation shall be permanently attached to the crawlspace walls.
Shafts, penetrations	Duct shafts, utility penetrations, and flue shafts opening to exterior or unconditioned space shall be sealed.	
Narrow cavities		Batts in narrow cavities shall be cut to fit and installed to the correct density without any voids or gaps or compression, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.	
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be sealed to the <del>((dry-wall))</del> <u>finished surface</u> .	Recessed light fixtures installed in the building thermal envelope shall be air tight and IC rated.
Plumbing and wiring		Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls. There shall be no voids or gaps or compression where cut to fit. Insulation that on installation readily conforms to available space shall extend behind piping and wiring.
Shower/tub on exterior wall	The air barrier installed at exterior walls adjacent to showers and tubs shall separate <del>((them))</del> <u>the wall</u> from the showers and tubs.	Exterior walls adjacent to showers and tubs shall be insulated.
Electrical/phone box on exterior wall	The air barrier shall be installed behind electrical or communication boxes or air sealed boxes shall be installed.	
HVAC register boots	HVAC <u>supply and return</u> register boots <del>((that penetrate building thermal envelope))</del> shall be sealed to the subfloor, <u>wall covering</u> or <del>((dry-wall))</del> <u>ceiling penetrated by the boot</u> .	
Concealed sprinklers	When required to be sealed, concealed fire sprinklers shall only be sealed 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.	

IC = insulation contact.

<sup>a</sup> In addition, inspection of log walls shall be in accordance with the provisions of ICC-400.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40250 Section R402.5—Maximum fenestration *U*-factor and SHGC.**

**R402.5 Maximum fenestration *U*-factor ((~~Mandatory~~)).** The area-weighted average maximum fenestration *U*-factor permitted using tradeoffs from Section R402.1.4 or R405 shall be 0.48 for vertical fenestration, and 0.75 for skylights.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40310 Section R403.1—Controls.**

**R403.1 Controls ((~~Mandatory~~)).** At least one thermostat shall be provided for each separate heating and cooling system.

**R403.1.1 Programmable or connected thermostat.** Where the primary heating system is a forced-air furnace, at least one thermostat per dwelling unit shall be Energy Star certified and capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. 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/setup periods per day. This thermostat shall include the capability to set back, set up or temporarily operate the system to maintain *zone* temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed by the manufacturer with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C). The thermostat and/or control system shall have an adjustable deadband of not less than 10°F.

- EXCEPTIONS:
1. Systems controlled by an occupant sensor that is capable of shutting 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 capable of operating the system for no more than two hours.
  3. Ductless mini-split heat pump systems that have an integral proprietary thermostat.

**R403.1.2 Heat pump supplementary heat ((~~Mandatory~~)).** Unitary air cooled heat pumps shall include 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. At final inspection the auxiliary heat lock out control shall be set to 35°F or less.

**R403.1.3 Continuously burning pilot lights.** The natural gas systems and equipment listed below are not permitted to be equipped with continuously burning pilot lights.

1. Fan-type central furnaces.
2. Household cooking appliances.

EXCEPTION: Household cooking appliances without electrical supply voltage connections and in which each pilot light consumes less than 150 Btu/hr.

3. Pool heaters.
4. Spa heaters.
5. Fireplaces.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-40320 Section R403.3—Ducts.**

**R403.3 Ducts.** Ducts and air handlers shall be installed in accordance with Sections R403.3.1 through ((~~R403.3.5~~)) R403.3.7.

**R403.3.1 Insulation ((~~Prescriptive~~)).** Ducts outside the building thermal envelope shall be insulated to a minimum of R-8. Ducts within a concrete slab or in the ground shall be insulated to R-10 with insulation designed to be used below grade.

EXCEPTION: Ducts or portions thereof located completely inside the *building thermal envelope*. Ducts located in crawl spaces do not qualify for this exception.

**R403.3.2 Sealing ((~~Mandatory~~)).** Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or *International Residential Code*, as applicable.

- EXCEPTIONS:
1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
  2. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams, and locking-type joints and seams of other than the snap-lock and button-lock types.

**R403.3.2.1 Sealed air handler.** Air handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.

**R403.3.3 Duct testing ((~~Mandatory~~)).** Ducts shall be leak tested in accordance with WSU RS-33, using the maximum duct leakage rates specified.

- EXCEPTIONS:
1. The total leakage or leakage to the outdoors test is not required for ducts and air handlers located entirely within the building thermal envelope. For forced air ducts, a maximum of 10 linear feet of return ducts and 5 linear feet of supply ducts may be located outside the conditioned space. All metallic ducts located outside the conditioned space must have both transverse and longitudinal joints sealed with mastic. If flex ducts are used, they cannot contain splices. Flex duct connections must be made with nylon straps and installed using a plastic strapping tensioning tool. Ducts located in crawl spaces do not qualify for this exception.
  2. A duct air leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with the ducts serving heating or cooling systems.

A written report of the results shall be signed by the party conducting the test and provided to the *code official*.

**R403.3.4 Duct leakage ((Mandatory))**. The total leakage of the ducts, where measured in accordance with Section R403.3.3, shall be as follows:

1. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area.

2. Postconstruction test: Leakage to outdoors shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area or total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

**R403.3.5 Building cavities ((Mandatory))**. Building framing cavities shall not be used as ducts or plenums. Installation of ducts in exterior walls, floors or ceilings shall not displace required envelope insulation.

**R403.3.6 Ducts buried within ceiling insulation**. Where supply and return air ducts are partially or completely buried in ceiling insulation, such ducts shall comply with all of the following:

1. The supply and return ducts shall have an insulation *R*-value not less than R-8.

2. At all points along each duct, the sum of the ceiling insulation *R*-value against and above the top of the duct, and against and below the bottom of the duct, shall be not less than R-19, excluding the *R*-value of the duct insulation.

EXCEPTION: Sections of the supply duct that are less than 3 feet (914 mm) from the supply outlet shall not be required to comply with these requirements.

**R403.3.6.1 Effective *R*-value of deeply buried ducts**. Where using a simulated energy performance analysis, sections of ducts that are: Installed in accordance with Section R403.3.6; located directly on, or within 5.5 inches (140 mm) of the ceiling; surrounded with blown-in attic insulation having an *R*-value of R-30 or greater and located such that the top of the duct is not less than 3.5 inches (89 mm) below the top of the insulation, shall be considered as having an effective duct insulation *R*-value of R-25.

**R403.3.7 Ducts located in conditioned space**. For ducts to be considered as being located inside a conditioned space, such ducts shall comply with the following:

1. All duct systems shall be located completely within the continuous air barrier and within the *building thermal envelope*.

2. All heating, cooling and ventilation system components shall be installed inside the conditioned space including, but not limited to, forced air ducts, hydronic piping, hydronic floor heating loops, convectors and radiators. Combustion equipment shall be direct vent or sealed combustion.

3. For forced air ducts, a maximum of 10 linear feet of return ducts and 5 linear feet of supply ducts is permitted to be located outside the conditioned space, provided they are insulated to a minimum of R-8.

3.1. Metallic ducts located outside the conditioned space must have both transverse and longitudinal joints sealed with mastic.

3.2. If flex ducts are used, they cannot contain splices. Flex duct connections must be made with nylon straps and installed using a plastic strapping tensioning tool.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40330 Section R403.4—Mechanical system piping insulation.**

**R403.4 Mechanical system piping insulation ((Mandatory))**. Mechanical system piping capable of carrying fluids above 105°F (41°C) or below 55°F (13°C) shall be insulated to a minimum of R-6.

EXCEPTION: Up to 200 feet of hydronic system piping installed within the conditioned space may be insulated with a minimum of 1/2-inch insulation with a *k* value of 0.28.

**R403.4.1 Protection of piping insulation**. Piping insulation exposed to weather shall be protected from damage, including that caused by sunlight, moisture, equipment maintenance, and wind, and shall provide shielding from solar radiation that can cause degradation of the material. Adhesive tape shall not be permitted.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40340 Section R403.5—Service hot water systems.**

**R403.5 Service hot water systems**. Energy conservation measures for service hot water systems shall be in accordance with Sections R403.5.1 through R403.5.5. Service water-heating equipment shall meet the requirements of DOE 10 C.F.R. Part 430 Uniform Energy Factor or the equipment shall meet the requirements of Section C404.2.

**R403.5.1 Heated water circulation and temperature maintenance system ((Mandatory))**. Heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

**R403.5.1.1 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-siphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall 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.

**R403.5.1.2 Heat trace systems.** Electric heat trace systems shall comply with IEEE 515.1 or UL 515. Controls for such systems shall 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.

**R403.5.2 Demand recirculation water systems.** ~~((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 system. Pumps))~~ Demand recirculation water systems 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).

**R403.5.3 Hot water pipe insulation ~~((Prescriptive))~~.** Insulation for hot water pipe, both within and outside the conditioned space, shall have a minimum thermal resistance (R-value) of R-3.

EXCEPTION: Pipe insulation is permitted to be discontinuous where it passes through studs, joists or other structural members and where the insulated pipes pass other piping, conduit or vents, provided the insulation is installed tight to each obstruction.

**R403.5.4 Drain water heat recovery units.** Drain water heat recovery units shall comply with CSA 55.2 or IAPMO PS 92. Drain water heat recovery units shall be in accordance with CSA 55.1 or IAPMO IGC 346-2017. ~~((Potable water side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.))~~

**R403.5.5 Electric water heater insulation.** All electric water heaters in ~~((unheated))~~ unconditioned spaces, or on concrete floors in conditioned spaces, shall be placed on an ~~((incompressible))~~ noncompressible, insulated surface with a minimum thermal resistance of R-10.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40350 Section R403.6—Mechanical ventilation.**

**R403.6 Mechanical ventilation ~~((Mandatory))~~.** The building shall be provided with ventilation that meets the requirements of the *International Residential Code* or *International Mechanical Code*, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

**R403.6.1 Whole-house mechanical ventilation system fan efficacy.** Mechanical ventilation system fans shall meet the efficacy requirements of Table R403.6.1.

EXCEPTION: ~~((Where mechanical ventilation fans are integral to tested and listed HVAC equipment, they shall be powered by an electronically commutated motor.))~~ Where an air handler that is integral to the tested and listed HVAC equipment is used to provide whole-house ventilation, the air handler shall be powered by an electronically commutated motor.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40351 Table R403.6.1—Mechanical ventilation system fan efficacy.**

**TABLE R403.6.1  
MECHANICAL VENTILATION SYSTEM FAN EFFICACY**

Fan Location	Air Flow Rate Minimum (cfm)	Minimum Efficacy (cfm/watt)	Air Flow Rate Maximum (cfm)
HRV or ERV	Any	1.2 cfm/watt	Any
Range hoods	Any	2.8	Any
In-line fan	Any	2.8	Any
Bathroom, utility room	10	1.4	< 90
Bathroom, utility room	90	2.8	Any

For SI: 1 cfm = 28.3 L/min.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40360 Section R403.7—Equipment sizing.**

**R403.7 Equipment sizing and efficiency rating ~~((Mandatory))~~.** Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies. The output capacity of heating and cooling equipment shall not be greater than that of the smallest available equipment size that exceeds the loads calculated, including allowable oversizing limits. ~~((New or replacement heating and cooling equipment shall have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed.))~~ Equipment shall meet the minimum federal efficiency standards as referenced in 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) and tested and rated in accordance with the applicable test procedure.

**R403.7.1 Electric resistance zone heated units.** All detached one- and two-family dwellings and multiple single-family dwellings (townhouses) up to three stories in height above grade plane using electric zonal heating as the primary heat source shall install an inverter-driven ductless mini-split heat pump in the largest zone in the dwelling. Building per-

mit drawings shall specify the heating equipment type and location of the heating system.

EXCEPTION: Total installed heating capacity of 2 kW per dwelling unit or less.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40370 Section R403.8—Systems serving multiple dwelling units.**

**R403.8 Systems serving multiple dwelling units (~~((Mandatory))~~)).** Systems serving multiple dwelling units shall comply with Sections C403 and C404 of the WSEC—Commercial Provisions in lieu of Section R403.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40380 Section R403.9—Snow melt system controls.**

**R403.9 Snow melt system controls (~~((Mandatory))~~)).** Snow and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F, and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40390 Section R403.10—Pool and spa energy consumption.**

**R403.10 Pool and permanent spa energy consumption (~~((Mandatory))~~)).** Pools and permanent spas shall comply with Sections R403.10.1 through R403.10.4.2.

**R403.10.1 Heaters.** The electric power to heaters shall be controlled by a *readily accessible* 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 (914 mm) of the heater. Operation of such switch shall not change the settings 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.))~~)

**R403.10.2 Time switches.** Time switches or other control method that can automatically turn off and on 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 deemed in compliance with this requirement.

EXCEPTIONS: 1. Where public health standards require 24-hour pump operation.  
2. Pumps that operate solar- and waste-heat-recovery pool heating systems.

**R403.10.3 Covers.** Outdoor heated pools and outdoor permanent spas shall be provided with a vapor-retardant cover, or other *approved* vapor retardant means.

EXCEPTION: Where more than ~~((70))~~ 75 percent of the energy for heating, computed over an operating season of not less than three calendar months, is ~~((from site-recovered energy, such as))~~ from a heat pump or ~~((solar energy source))~~ on-site renewable energy system, covers or other vapor-retardant means shall not be required.

**R403.10.4 Residential pool pumps.** Pool pump motors may not be split-phase or capacitor start-induction run type.

**R403.10.4.1 Two-speed capability.**

1. Pump motors: Pool pump motors with a capacity of 1 hp or more shall have the capability of operating at two or more speeds with low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate.

2. Pump controls: Pool pump motor controls shall have the capability of operating the pool pump with at least two speeds. The default circulation speed shall be the lowest speed, with a high speed override capability being for a temporary period not to exceed one normal cycle.

**R403.10.4.2 Pump operation.** Circulating water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the water system is not in operation.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40391 Section R403.10—Other pools and spas.**

**R403.11 Portable spas (~~((Mandatory))~~)).** The energy consumption of electric-powered portable spas shall be controlled by the requirements of APSP-14.

**R403.12 Residential pools and permanent residential spas.** Residential swimming pools and permanent residential spas that are accessory to detached one- and two-family dwellings and townhouses three stories or less in height above grade plane and that are available only to the household and its guests shall be in accordance with APSP-15.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40410 Section R404.1—Lighting equipment.**

**R404.1 Lighting equipment (~~((Mandatory))~~)).** (~~((A minimum of 75))~~) Not less than 90 percent of lamps in permanently installed lighting fixtures shall be high-efficacy lamps.

**R404.1.1 Lighting equipment (~~((Mandatory))~~)).** Fuel gas lighting systems shall not have continuously burning pilot lights.

NEW SECTION

**WAC 51-11R-40420 Section R404.2—Electric readiness.**

**R404.2 Electric readiness.** Systems using gas or propane water heaters or dryers to serve individual dwelling units shall comply with the requirements of Sections R404.2.1 and

R404.2.2. All water heating systems shall comply with Section R404.2.3.

**R404.2.1 Receptacle.** A dedicated 125-volt, 20-amp electrical receptacle that is connected to the electric panel with a 120/240 volt 3 conductor, 10 AWG copper branch circuit, shall be provided within 3 feet from each gas or propane water heater or dryer, in a location with ready access.

**R404.2.2 Electrification-ready circuits.** Both ends of the unused conductors shall be labeled with the word "SPARE" and be electrically isolated. A single pole circuit breaker space shall be reserved in the electrical panel adjacent to each circuit breaker for the branch circuit and labeled with the words "FUTURE 240V USE."

**R404.2.3 Water heater space.** An indoor space that is at least 3 feet by 3 feet by 7 feet high shall be available within 3 feet of the water heater, including the space occupied by the current water heater.

EXCEPTION: The water heater space requirement does not need to be met where a heat pump water heater is installed.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-40510 Section R405.1—Scope.**

**R405.1 Scope.** This section establishes criteria for compliance using simulated energy performance analysis. Such analysis shall include heating, cooling, mechanical ventilation, and service water heating energy only.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-40520 Section R405.2—Mandatory requirements.**

**R405.2 Mandatory requirements.** Compliance with this section requires ~~((that the mandatory provisions identified in Section R401.2 be met))~~ compliance with those sections shown in Table R405.2. All supply and return ducts not completely inside the *building thermal envelope* shall be insulated to a minimum of R-8.

**TABLE R405.2  
MANDATORY COMPLIANCE MEASURES FOR SIMULATED  
PERFORMANCE ALTERNATIVE**

<u>Section</u>	<u>Title</u>	<u>Comments</u>
<b><u>General</u></b>		
<u>R401.3</u>	<u>Certificate</u>	
<b><u>Envelope</u></b>		
<u>R402.4</u>	<u>Air leakage</u>	
<u>R402.5</u>	<u>Maximum fenestration U-factor</u>	
<b><u>Systems</u></b>		
<u>R403.1</u>	<u>Controls</u>	
<u>R403.1.2</u>	<u>Heat pump supplemental heat</u>	
<u>R403.3.2</u>	<u>Sealing</u>	

<u>Section</u>	<u>Title</u>	<u>Comments</u>
<u>R403.3.1</u>	<u>Equipment and system sizing</u>	
<u>R403.3.3</u>	<u>Duct testing</u>	
<u>R403.3.4</u>	<u>Duct leakage</u>	
<u>R403.3.5</u>	<u>Building cavities</u>	
<u>R403.4</u>	<u>Mechanical system piping insulation</u>	
<u>R403.5.1</u>	<u>Heated water circulation and temperature maintenance sys- tem</u>	
<u>R403.6</u>	<u>Mechanical ventilation</u>	
<u>R403.7</u>	<u>Equipment sizing and effi- ciency rating</u>	
<u>R403.8</u>	<u>Systems serving multiple dwelling units</u>	
<u>R403.9</u>	<u>Snow melt system controls</u>	
<u>R403.10</u>	<u>Pool and permanent spa energy consumption</u>	
<u>R403.11</u>	<u>Portable spas</u>	
<b><u>Electrical Power and Lighting</u></b>		
<u>R404.1</u>	<u>Lighting equipment</u>	
<u>R404.1.1</u>	<u>Lighting equipment</u>	
<u>R404.2</u>	<u>Electric readiness</u>	
<b><u>Other Requirements</u></b>		
<u>R406</u>	<u>Additional energy efficiency requirements</u>	

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40530 Section R405.3—Performance-based compliance.**

**R405.3 Performance-based compliance.** Compliance based on simulated energy performance requires that a proposed residence (*proposed design*) be shown to have an annual energy consumption based on ~~((site energy expressed in Btu and Btu))~~ carbon emissions of the fuels and energy use in the proposed building. Carbon emissions for both the standard reference design and the proposed design shall be calculated using Table R405.3. Energy use derived from simulation analysis shall be expressed in pounds of carbon and per square foot of *conditioned floor area* as follows:

1. For structures less than 1,500 square feet of conditioned floor area, the annual ~~((energy consumption))~~ carbon emissions shall be less than or equal to ~~((80))~~ 67 percent of the annual ~~((energy consumption))~~ carbon emissions of the *standard reference design*.

2. For structures 1,500 to 5,000 square feet of conditioned floor area, the annual ~~((energy consumption))~~ carbon emissions shall be no more than ~~((72))~~ 56 percent of the *standard reference design*.



3. For structures over 5,000 square feet of conditioned floor area, the annual ((energy consumption)) carbon emissions shall be no more than ((66)) 50 percent of the *standard reference design*.

((EXCEPTION: For structures serving Group R-2 occupancies, the annual energy consumption shall be less than or equal to 85 percent of the annual energy consumption of the *standard reference design*.)

4. For structures serving Group R-2 occupancies, the annual carbon emissions shall be less than or equal to 70 percent of the annual energy consumption of the *standard reference design*.

**TABLE R405.3  
CARBON EMISSIONS FACTORS**

Type	CO <sub>2</sub> e (lb/unit)	Unit
Electricity	0.70	kWh
Natural gas	11.7	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 emission factors supported by calculations approved by the code official.

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40551 Table R405.5.2(1)—Specifications for the standard reference and proposed designs.**

**TABLE R405.5.2(1)  
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS**

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Above-grade walls	Type: Mass wall if proposed wall is mass; otherwise wood frame. Gross area: Same as proposed U-factor: From Table R402.1.3 Solar absorptance = 0.75 Remittance = 0.90	As proposed As proposed As proposed As proposed As proposed
Below-grade walls	Type: Same as proposed Gross area: Same as proposed U-factor: From Table R402.1.3, with insulation layer on interior side of walls.	As proposed As proposed As proposed
Above-grade floors	Type: Wood frame Gross area: Same as proposed U-factor: From Table R402.1.3	As proposed As proposed As proposed
Ceilings	Type: Wood frame Gross area: Same as proposed U-factor: From Table R402.1.3	As proposed As proposed As proposed
Roofs	Type: Composition shingle on wood sheathing Gross area: Same as proposed Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed
Attics	Type: Vented with aperture = 1 ft <sup>2</sup> per 300 ft <sup>2</sup> ceiling area	As proposed
Foundations	Type: Same as proposed foundation wall area above and below-grade Soil characteristics: Same as proposed.	As proposed As proposed
Opaque doors	Area: 40 ft <sup>2</sup> Orientation: North U-factor: Same as fenestration from Table R402.1.3.	As proposed As proposed As proposed
Vertical fenestration other than opaque doors <sup>a</sup>	Total area <sup>h</sup> = (a) The proposed glazing area; where proposed glazing area is less than 15% of the conditioned floor area. (b) 15% of the conditioned floor area; where the proposed glazing area is 15% or more of the conditioned floor area.	As proposed

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
	Orientation: Equally distributed to four cardinal compass orientations (N, E, S & W).	As proposed
	<i>U</i> -factor: From Table R402.1.3	As proposed
	SHGC: From Table R402.1.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.	As proposed
	Interior shade fraction: $0.92 - (0.21 \times \text{SHGC for the standard reference design})$ External shading: None	0.92 - $(0.21 \times \text{SHGC as proposed})$ As proposed
Skylights	None	As proposed
Air exchange rate	Air leakage rate of 5 air changes per hour at a pressure of 0.2 inches w.g. (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times CFA + 7.5 \times (N_{br} + 1)$ where: <i>CFA</i> = conditioned floor area <i>N<sub>br</sub></i> = number of bedrooms - Energy recovery shall not be assumed for mechanical ventilation.	<del>((For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate))</del> As proposed <sup>a</sup> . The mechanical ventilation rate <sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.
Mechanical ventilation	None, except where mechanical ventilation is specified by the proposed design, in which case: Annual vent fan energy use: $\text{kWh/yr} = ((0.03942 \times CFA + 29.565)) (1e_f) \times (0.0876 \times CFA + 65.7 \times (N_{br} + 1))$ where: <u><i>e<sub>f</sub></i> = the minimum exhaust fan efficacy from Table R403.6.1 corresponding to a flow rate of <math>0.01 \times CFA + 7.5 \times (N_{br} + 1)</math></u> <i>CFA</i> = conditioned floor area <i>N<sub>br</sub></i> = number of bedrooms	As proposed
Internal gains	$\text{IGain} = 17,900 + 23.8 \times CFA + 4104 \times N_{br}$ (Btu/day per dwelling unit)	Same as standard reference design
Internal mass	An internal mass for furniture and contents of 8 pounds per square foot of floor area.	Same as standard reference design, plus any additional mass specifically designed as a thermal storage element <sup>c</sup> but not integral to the building envelope or structure.
Structural mass	For masonry floor slabs, 80% of floor area covered by R-2 carpet and pad, and 20% of floor directly exposed to room air.	As proposed
	For masonry basement walls, as proposed, but with insulation required by Table R402.1.3 located on the interior side of the walls.	As proposed
	For other walls, for ceilings, floors, and interior walls, wood frame construction.	As proposed

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Heating systems <sup>d, e</sup>	Where the proposed design utilizes electric heating without a heat pump the standard reference design shall be an air source heat pump meeting the requirements of Section C403 of the WSEC—Commercial Provisions. For all other systems, the same system type as proposed, and the same system efficiency required by prevailing minimum federal standard. Capacity: Sized in accordance with Section R403.6	As proposed
Cooling systems <sup>d, f</sup>	Same system type as proposed. Same system efficiency as required by prevailing minimum federal standard. Capacity: Sized in accordance with Section R403.6.	As proposed
Service water heating <sup>d, e, f, g</sup>	Same system type as proposed. Same system efficiency as required by prevailing minimum federal standard. Use: Same as proposed design	As proposed gal/day = 30 + (10 × N <sub>br</sub> )
Thermal distribution systems	Duct insulation: From Section R403.3.3. A thermal distribution system efficiency (DSE) of 0.93 shall be applied to both the heating and cooling system efficiencies for all systems.  <b>Exception:</b> For nonducted heating and cooling systems that do not have a fan, the standard reference design distribution system efficiency (DES) shall be <u>1</u> .	As specified in Table R405.5.2(2).
Thermostat	Type: Manual, cooling temperature setpoint = 75°F; Heating temperature setpoint = 72°F	Same as standard reference

For SI: 1 square foot = 0.93 m<sup>2</sup>, 1 British thermal unit = 1055 J, 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 gallon (U.S.) = 3.785 L, °C = (°F-3)/1.8, 1 degree = 0.79 rad

- a Where required by the *code official*, testing shall be conducted by an *approved party*. Hourly calculations as specified in the ASHRAE *Handbook of Fundamentals*, or the equivalent, shall be used to determine the energy loads resulting from infiltration.
- b The combined air exchange rate for infiltration and mechanical ventilation shall be determined in accordance with Equation 43 of 2001 ASHRAE *Handbook of Fundamentals*, page 26.24 and the "Whole-house Ventilation" provisions of 2001 ASHRAE *Handbook of Fundamentals*, page 26.19 for intermittent mechanical ventilation.
- c Thermal storage element shall mean a component not part of the floors, walls or ceilings that is part of a passive solar system, and that provides thermal storage such as enclosed water columns, rock beds, or phase-change containers. A thermal storage element must be in the same room as fenestration that faces within 15 degrees (0.26 rad) of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.
- d For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loads as calculated by accepted engineering practice for each equipment and fuel type present.
- e For a proposed design without a proposed heating system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design.
- f For a proposed design home without a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and the proposed design.
- g For a proposed design with a nonstorage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum energy factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.
- h For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine fenestration area:

$$AF = A_s \times FA \times F$$

Where:

AF = Total fenestration area.

A<sub>s</sub> = Standard reference design total fenestration area.

FA = (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 x below-grade boundary wall area).

$$F = \frac{\text{(Above-grade thermal boundary wall area)}}{\text{(above-grade thermal boundary wall area + common wall area)}} \text{ or } 0.56, \text{ whichever is greater.}$$

and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.

Below-grade boundary wall is any thermal boundary wall in soil contact.

Common wall area is the area of walls shared with an adjoining dwelling unit.

L and CFA are in the same units.

**AMENDATORY SECTION** (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-40610 Section R406.1—Scope.**

**R406.1 Scope.** This section establishes ~~((options for additional criteria to be met for one- and two-family dwellings and townhouses, as defined in Section 101.2 of the *International Residential Code*, and dwelling units in residential buildings to demonstrate compliance with this code.))~~ additional energy efficiency requirements for all new construction covered by this code, including additions subject to Section R502 and change of occupancy or use subject to Section R505 unless specifically exempted in Section R406. Credits from both Sections R406.2 and R406.3 are required.

**R406.2 Carbon emission equalization.** This section establishes a base equalization between fuels used to define the equivalent carbon emissions of the options specified. The permit shall define the base fuel selection to be used and the points specified in Table R406.2 shall be used to modify the requirements in Section R406.3. The sum of credits from Tables R406.2 and R406.3 shall meet the requirements of Section R406.3.

**TABLE R406.2  
FUEL NORMALIZATION CREDITS**

<u>System Type</u>	<u>Description of Primary Heating Source</u>	<u>Credits</u>	
		<u>All Other</u>	<u>Group R-2</u>
<u>1</u>	<u>Combustion heating equipment meeting minimum federal efficiency standards for the equipment listed in Table C403.3.2(4) or C403.3.2(5)</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>For an initial heating system using a heat pump that meets federal standards for the equipment listed in Table C403.3.2(1)C or C403.3.2(2)</u>  <u>or</u> <u>Air to water heat pump units that are configured to provide both heating and cooling and are rated in accordance with AHRI 550/590</u>	<u>1.0</u>	<u>1.0</u>
<u>3</u>	<u>For heating system based on electric resistance only (either forced air or Zonal)</u>	<u>-1.0</u>	<u>-1.0</u>
<u>4</u>	<u>For heating system based on electric resistance with a ductless mini-split heat pump system in accordance with Section R403.7.1 including the exception</u>	<u>0</u>	<u>N/A</u>
<u>5</u>	<u>All other heating systems</u>	<u>-1</u>	<u>-0.5</u>

**AMENDATORY SECTION** (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-40620 Section ~~((R406.2))~~ R406.3—Additional energy efficiency requirements.**

~~((R406.2))~~ **R406.3 Additional energy efficiency requirements ~~((Mandatory))~~.** Each dwelling unit in a residential building shall comply with sufficient options from Table R406.2 so as to achieve the following minimum number of credits:

- 1. Small Dwelling Unit: ~~((1.5))~~ 4.5 credits

Dwelling units less than 1500 square feet in conditioned floor area with less than 300 square feet of

fenestration area. Additions to existing building that are greater than 500 square feet of heated floor area but less than 1500 square feet.

- 2. Medium Dwelling Unit: ~~((3.5))~~ 6.0 credits

All dwelling units that are not included in #1 ~~((or))~~, #3, or #4.

~~((Exception: Dwelling units serving R-2 occupancies shall require 2.5 credits.))~~

- 3. Large Dwelling Unit: ~~((4.5))~~ 7.0 credits

Dwelling units exceeding 5000 square feet of conditioned floor area.

~~((Exception: Dwelling units serving R-2 occupancies shall require 2.5 credits.))~~

4. Dwelling units serving R-2 occupancies 4.5 credits

5. Additions less than or equal to 500 square feet: ((0.5)) 1.5 credits

The drawings included with the building permit application shall identify which options have been selected and the point value of each option, regardless of whether separate mechanical, plumbing, electrical, or other permits are utilized for the project.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-40621 Table ((R406.2)) R406.3—Energy credits.**

**TABLE ((406.2)) 406.3  
ENERGY CREDITS**

<b>((OPTION</b>	<b>DESCRIPTION</b>	<b>CREDIT(S)</b>
1a	<p>EFFICIENT BUILDING ENVELOPE-1a:</p> <p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p>Vertical fenestration U = 0.28</p> <p>Floor R-38</p> <p>Slab on grade R-10 perimeter and under entire slab</p> <p>Below grade slab R-10 perimeter and under entire slab</p> <p><b>or</b></p> <p>Compliance based on Section R402.1.4: Reduce the Total UA by 5%.</p>	0.5
1b	<p>EFFICIENT BUILDING ENVELOPE-1b:</p> <p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p>Vertical fenestration U = 0.25</p> <p>Wall R-21 plus R-4 ci</p> <p>Floor R-38</p> <p>Basement wall R-21 int plus R-5 ci</p> <p>Slab on grade R-10 perimeter and under entire slab</p> <p>Below grade slab R-10 perimeter and under entire slab</p> <p><b>or</b></p> <p>Compliance based on Section R402.1.4: Reduce the Total UA by 15%.</p>	1.0

<b>((OPTION</b>	<b>DESCRIPTION</b>	<b>CREDIT(S)</b>
1c	<p>EFFICIENT BUILDING ENVELOPE-1c:</p> <p>Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.22</p> <p>Ceiling and single-rafter or joist vaulted R-49 advanced</p> <p>Wood frame wall R-21 int plus R-12 ci</p> <p>Floor R-38</p> <p>Basement wall R-21 int plus R-12 ci</p> <p>Slab on grade R-10 perimeter and under entire slab</p> <p>Below grade slab R-10 perimeter and under entire slab</p> <p><b>or</b></p> <p>Compliance based on Section R402.1.4: Reduce the Total UA by 30%.</p>	2.0
1d*	<p>EFFICIENT BUILDING ENVELOPE-1d:</p> <p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p>Vertical fenestration U = 0.24</p>	0.5
2a	<p>AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2a:</p> <p>Compliance based on R402.4.1.2: Reduce the tested air leakage to 3.0 air changes per hour maximum <b>and</b></p> <p>All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a high efficiency fan (maximum 0.35 watts/cfm), not interlocked with the furnace fan. Ventilation systems using a furnace including an ECM motor are allowed, provided that they are controlled to operate at low speed in ventilation only mode.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the qualified ventilation system.</p>	0.5
2b	<p>AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2b:</p> <p>Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 2.0 air changes per hour maximum</p> <p><b>and</b></p> <p>All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.70.</p>	1.0

((OPTION	DESCRIPTION	CREDIT(S)
	To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.	
2e	<p><b>AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2e:</b></p> <p>Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 1.5 air changes per hour maximum</p> <p>All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.85.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</p>	1.5
3a <sup>b</sup>	<p><b>HIGH EFFICIENCY HVAC EQUIPMENT 3a:</b></p> <p>Gas, propane or oil-fired furnace with minimum AFUE of 94%, or gas, propane or oil-fired boiler with minimum AFUE of 92%.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0
3b <sup>b</sup>	<p><b>HIGH EFFICIENCY HVAC EQUIPMENT 3b:</b></p> <p>Air source heat pump with minimum HSPF of 9.0</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0
3e <sup>b</sup>	<p><b>HIGH EFFICIENCY HVAC EQUIPMENT 3e:</b></p> <p>Closed loop ground source heat pump; with a minimum COP of 3.3</p> <p><b>or</b></p> <p>Open loop water source heat pump with a maximum pumping hydraulic head of 150 feet and minimum COP of 3.6</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.5
3d <sup>b</sup>	<p><b>HIGH EFFICIENCY HVAC EQUIPMENT 3d:</b></p> <p><b>DUCTLESS SPLIT SYSTEM HEAT PUMPS, ZONAL CONTROL:</b></p>	1.0

((OPTION	DESCRIPTION	CREDIT(S)
	<p>In homes where the primary space heating system is zonal electric heating, a ductless heat pump system shall be installed and provide heating to the largest zone of the housing unit.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	
4	<p><b>HIGH EFFICIENCY HVAC DISTRIBUTION SYSTEM:</b></p> <p>All heating and cooling system components installed inside the conditioned space. This includes all equipment and distribution system components such as forced air ducts, hydronic piping, hydronic floor heating loop, convectors and radiators. All combustion equipment shall be direct vent or sealed combustion.</p> <p>For forced air ducts: A maximum of 10 linear feet of return ducts and 5 linear feet of supply ducts may be located outside the conditioned space. All metallic ducts located outside the conditioned space must have both transverse and longitudinal joints sealed with mastic. If flex ducts are used, they cannot contain splices. Flex duct connections must be made with nylon straps and installed using a plastic strapping tensioning tool. Ducts located outside the conditioned space must be insulated to a minimum of R-8.</p> <p>Locating system components in conditioned crawl spaces is not permitted under this option.</p> <p>Electric resistance heat and ductless heat pumps are not permitted under this option.</p> <p>Direct combustion heating equipment with AFUE less than 80% is not permitted under this option.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and shall show the location of the heating and cooling equipment and all the ductwork.</p>	1.0
5a	<p><b>EFFICIENT WATER HEATING 5a:</b></p> <p>All showerheads and kitchen sink faucets installed in the house shall be rated at 1.75 GPM or less. All other lavatory faucets shall be rated at 1.0 GPM or less.<sup>6</sup></p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum flow rates for all showerheads, kitchen sink faucets, and other lavatory faucets.</p>	0.5

((OPTION))	DESCRIPTION	CREDIT(S)
5b	<p>EFFICIENT WATER HEATING 5b:</p> <p>Water heating system shall include one of the following:</p> <p>Gas, propane or oil water heater with a minimum EF of 0.74</p> <p><del>or</del></p> <p>Water heater heated by ground source heat pump meeting the requirements of Option 3e.</p> <p><del>or</del></p> <p>For R-2 occupancy, a central heat pump water heater with an EF greater than 2.0 that would supply DHW to all the units through a central water loop insulated with R-8 minimum pipe insulation.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	1.0
5e	<p>EFFICIENT WATER HEATING 5e:</p> <p>Water heating system shall include one of the following:</p> <p>Gas, propane or oil water heater with a minimum EF of 0.91</p> <p><del>or</del></p> <p>Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating Systems.</p> <p><del>or</del></p> <p>Electric heat pump water heater with a minimum EF of 2.0 and meeting the standards of NEEA's Northern Climate Specifications for Heat Pump Water Heaters.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and, for solar water heating systems, the calculation of the minimum energy savings.</p>	1.5
5d	<p>EFFICIENT WATER HEATING 5d:</p> <p>A drain water heat recovery unit(s) shall be installed, which captures waste water heat from all the showers, and has a minimum efficiency of 40% if installed for equal flow or a minimum efficiency of 52% if installed for unequal flow. Such units shall be rated in accordance with the CSA B55.1 standard and be so labeled.</p>	0.5

((OPTION))	DESCRIPTION	CREDIT(S)
	<p>To qualify to claim this credit, the building permit drawings shall include a plumbing diagram that specifies the drain water heat recovery units and the plumbing layout needed to install it and labels or other documentation shall be provided that demonstrates that the unit complies with the standard.</p>	
6	<p>RENEWABLE ELECTRIC ENERGY:</p> <p>For each 1200 kWh of electrical generation per housing unit provided annually by on-site wind or solar equipment a 0.5 credit shall be allowed, up to 3 credits. Generation shall be calculated as follows:</p> <p>For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATTS. Documentation noting solar access shall be included on the plans.</p> <p>For wind generation projects designs shall document annual power generation based on the following factors:</p> <p>The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the photovoltaic or wind turbine equipment type, provide documentation of solar and wind access, and include a calculation of the minimum annual energy power production.</p>	0.5

Footnotes:

- <sup>a</sup> Projects using this option may not use option 1a, 1b, or 1c.
- <sup>b</sup> Projects may only include credit from one space heating option, 3a, 3b, 3c or 3d. When a housing unit has two pieces of equipment (i.e., two furnaces) both must meet the standard to receive the credit.
- <sup>c</sup> **Plumbing Fixtures Flow Ratings.** Low flow plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following requirements:
  - 1 Residential bathroom lavatory sink faucets: Maximum flow rate – 3.8 L/min (1.0 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.
  - 2 Residential kitchen faucets: Maximum flow rate – 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.
  - 3 Residential showerheads: Maximum flow rate – 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.))

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
<b>1. EFFICIENT BUILDING ENVELOPE OPTIONS</b>			
<p>Only one option from Items 1.1 through 1.7 may be selected in this category.</p> <p>Compliance with the conductive UA targets is demonstrated using Section R402.1.4, Total UA alternative, where <math>[1 - (\text{Proposed UA} / \text{Target UA})] &gt; \text{the required \%UA reduction}</math></p>			
1.1	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.24.</u></p>	0.5	0.5
1.2	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.20.</u></p>	1.0	1.0
1.3	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.28</u></p> <p><u>Floor R-38</u></p> <p><u>Slab on grade R-10 perimeter and under entire slab</u></p> <p><u>Below grade slab R-10 perimeter and under entire slab</u></p> <p><b>or</b></p> <p><u>Compliance based on Section R402.1.4: Reduce the Total conductive UA by 5%.</u></p>	0.5	N/A
1.4	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.25</u></p> <p><u>Wall R-21 plus R-4 ci</u></p> <p><u>Floor R-38</u></p> <p><u>Basement wall R-21 int plus R-5 ci</u></p> <p><u>Slab on grade R-10 perimeter and under entire slab</u></p> <p><u>Below grade slab R-10 perimeter and under entire slab</u></p> <p><b>or</b></p> <p><u>Compliance based on Section R402.1.4: Reduce the Total conductive UA by 15%.</u></p>	1.0	1.0
1.5	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.22</u></p> <p><u>Ceiling and single-rafter or joist-vaulted R-49 advanced</u></p> <p><u>Wood frame wall R-21 int plus R-12 ci</u></p> <p><u>Floor R-38</u></p> <p><u>Basement wall R-21 int plus R-12 ci</u></p> <p><u>Slab on grade R-10 perimeter and under entire slab</u></p> <p><u>Below grade slab R-10 perimeter and under entire slab</u></p> <p><b>or</b></p> <p><u>Compliance based on Section R402.1.4: Reduce the Total conductive UA by 30%.</u></p>	2.0	1.5
1.6	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:</p> <p><u>Vertical fenestration U = 0.18</u></p> <p><u>Ceiling and single-rafter or joist-vaulted R-60 advanced</u></p> <p><u>Wood frame wall R-21 int plus R-16 ci</u></p> <p><u>Floor R-48</u></p> <p><u>Basement wall R-21 int plus R-16 ci</u></p> <p><u>Slab on grade R-20 perimeter and under entire slab</u></p> <p><u>Below grade slab R-20 perimeter and under entire slab</u></p>	3.0	2.0



OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
	<u>or</u> Compliance based on Section R402.1.4: Reduce the Total conductive UA by 40%.		
1.7	<u>Advanced framing and raised heel trusses or rafters</u> <u>Vertical Glazing U-0.28</u> <u>R-49 Advanced (U-0.020) as listed in Section A102.2.1, Ceilings below a vented attic</u> <u>and</u> <u>R-49 vaulted ceilings with full height of uncompressed insulation extending over the wall top plate at the eaves.</u>	<u>0.5</u>	<u>0.5</u>
<b>2. AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION OPTIONS</b> <u>Only one option from Items 2.1 through 2.4 may be selected in this category.</u>			
2.1	<u>Compliance based on R402.4.1.2:</u> <u>Reduce the tested air leakage to 3.0 air changes per hour maximum at 50 Pascals</u> <u>or</u> <u>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.3 cfm/ft<sup>2</sup> maximum at 50 Pascals</u> <u>and</u> <u>All whole house ventilation requirements as determined by Section M1507.3 of the International Residential Code or Section 403.8 of the International Mechanical Code shall be met with a high efficiency fan(s) (maximum 0.35 watts/cfm), not interlocked with the furnace fan (if present). Ventilation systems using a furnace including an ECM motor are allowed, provided that they are controlled to operate at low speed in ventilation only mode.</u> <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected, the maximum tested building air leakage, and shall show the qualifying ventilation system and its control sequence of operation.</u>	<u>0.5</u>	<u>1.0</u>
2.2	<u>Compliance based on Section R402.4.1.2:</u> <u>Reduce the tested air leakage to 2.0 air changes per hour maximum at 50 Pascals</u> <u>or</u> <u>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.25 cfm/ft<sup>2</sup> maximum at 50 Pascals</u> <u>and</u> <u>All whole house ventilation requirements as determined by Section M1507.3 of the International Residential Code or Section 403.8 of the International Mechanical Code shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.65.</u> <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</u>	<u>1.0</u>	<u>1.5</u>
2.3	<u>Compliance based on Section R402.4.1.2:</u> <u>Reduce the tested air leakage to 1.5 air changes per hour maximum at 50 Pascals</u> <u>or</u> <u>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.25 cfm/ft<sup>2</sup> maximum at 50 Pascals</u> <u>and</u> <u>All whole house ventilation requirements as determined by Section M1507.3 of the International Residential Code or Section 403.8 of the International Mechanical Code shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.75.</u>	<u>1.5</u>	<u>2.0</u>

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
	<u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</u>		
2.4	<p><u>Compliance based on Section R402.4.1.2:</u>  <u>Reduce the tested air leakage to 0.6 air changes per hour maximum at 50 Pascals</u>  <b>or</b>  <u>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.15 cfm/ft<sup>2</sup> maximum at 50 Pascals</u>  <b>and</b>  <u>All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> or Section 403.8 of the <i>International Mechanical Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.80. Duct installation shall comply with Section R403.3.7.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</u></p>	2.0	2.5
<b>3. HIGH EFFICIENCY HVAC EQUIPMENT OPTIONS</b>			
<u>Only one option from Items 3.1 through 3.6 may be selected in this category.</u>			
3.1 <sup>a</sup>	<p><u>Energy Star rated (U.S. North) Gas or propane furnace with minimum AFUE of 95%</u>  <b>or</b>  <u>Energy Star rated (U.S. North) Gas or propane boiler with minimum AFUE of 90%.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</u></p>	1.0	1.0
3.2 <sup>a</sup>	<p><u>Air-source centrally ducted heat pump with minimum HSPF of 9.5.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</u></p>	0.5	N/A
3.3 <sup>a</sup>	<p><u>Closed-loop ground source heat pump; with a minimum COP of 3.3</u>  <b>or</b>  <u>Open loop water source heat pump with a maximum pumping hydraulic head of 150 feet and minimum COP of 3.6.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</u></p>	1.5	1.0
3.4	<p><u>Ductless mini-split heat pump system, zonal control: In homes where the primary space heating system is zonal electric heating, a ductless mini-split heat pump system with a minimum HSPF of 10.0 shall be installed and provide heating to the largest zone of the housing unit.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</u></p>	1.5	2.0

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
3.5 <sup>a</sup>	<p><u>Air-source, centrally ducted heat pump with minimum HSPF of 11.0.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</u></p>	1.5	N/A
3.6 <sup>a</sup>	<p><u>Ductless split system heat pumps with no electric resistance heating in the primary living areas. A ductless heat pump system with a minimum HSPF of 10 shall be sized and installed to provide heat to entire dwelling unit at the design outdoor air temperature.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected, the heated floor area calculation, the heating equipment type(s), the minimum equipment efficiency, and total installed heat capacity (by equipment type).</u></p>	2.0	3.0
<b>4. HIGH EFFICIENCY HVAC DISTRIBUTION SYSTEM OPTIONS</b>			
4.1	<p><u>All supply and return ducts located in an unconditioned attic shall be deeply buried in ceiling insulation in accordance with Section R403.3.7.</u></p> <p><u>For mechanical equipment located outside the conditioned space, a maximum of 10 linear feet of return duct and 5 linear feet of supply duct connections to the equipment may be outside the deeply buried insulation. All metallic ducts located outside the conditioned space must have both transverse and longitudinal joints sealed with mastic. If flex ducts are used, they cannot contain splices.</u></p> <p><u>Duct leakage shall be limited to 3 cfm per 100 square feet of conditioned floor area.</u></p> <p><u>Air handler(s) shall be located within the conditioned space.</u></p>	0.5	0.5
4.2	<p><u>HVAC equipment and associated duct system(s) installation shall comply with the requirements of Section R403.3.7.</u></p> <p><u>Locating system components in conditioned crawl spaces is not permitted under this option.</u></p> <p><u>Electric resistance heat and ductless heat pumps are not permitted under this option.</u></p> <p><u>Direct combustion heating equipment with AFUE less than 80% is not permitted under this option.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and shall show the location of the heating and cooling equipment and all the ductwork.</u></p>	1.0	N/A
<b>5. EFFICIENT WATER HEATING OPTIONS</b>			
<u>Only one option from Items 5.2 through 5.6 may be selected in this category. Item 5.1 may be combined with any option.</u>			
5.1	<p><u>A drain water heat recovery unit(s) shall be installed, which captures waste water heat from all and only the showers, and has a minimum efficiency of 40% if installed for equal flow or a minimum efficiency of 54% if installed for unequal flow. Such units shall be rated in accordance with CSA B55.1 or IAPMO IGC 346-2017 and be so labeled.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall include a plumbing diagram that specifies the drain water heat recovery units and the plumbing layout needed to install it. Labels or other documentation shall be provided that demonstrates that the unit complies with the standard.</u></p>	0.5	0.5

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
5.2	<p>Water heating system shall include one of the following:  <u>Energy Star rated gas or propane water heater with a minimum UEF of 0.80.</u>  <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</u></p>	0.5	0.5
5.3	<p>Water heating system shall include one of the following:  <u>Energy Star rated gas or propane water heater with a minimum UEF of 0.91</u>  <b>or</b>  <u>Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating Systems</u>  <b>or</b>  <u>Water heater heated by ground source heat pump meeting the requirements of Option 3.3.</u>  <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and, for solar water heating systems, the calculation of the minimum energy savings.</u></p>	1.0	1.0
5.4	<p>Water heating system shall include one of the following:  <u>Electric heat pump water heater meeting the standards for Tier I of NEEA's advanced water heating specification</u>  <b>or</b>  <u>For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier I of NEEA's advanced water heating specification, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</u>  <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</u></p>	1.0	2.0
5.5	<p>Water heating system shall include one of the following:  <u>Electric heat pump water heater meeting the standards for Tier III of NEEA's advanced water heating specification</u>  <b>or</b>  <u>For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier III of NEEA's advanced water heating specification, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</u>  <u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</u></p>	1.5	2.5
5.6	<p>Water heating system shall include one of the following:  <u>Electric heat pump water heater with a minimum UEF of 2.9 and utilizing a split system configuration with the air-to-refrigerant heat exchanger located outdoors. Equipment shall meet Section 4, requirements for all units, of the NEEA standard <i>Advanced Water Heating Specification</i> with the UEF noted above</u>  <b>or</b></p>	2.0	3.0

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
	<p>For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier III of NEEA's advanced water heating specification and utilizing a split system configuration with the air-to-refrigerant heat exchanger located outdoors, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>		
<b>6. RENEWABLE ELECTRIC ENERGY OPTION</b>			
6.1	<p>For each 1200 kWh of electrical generation per housing unit provided annually by on-site wind or solar equipment a 1.0 credit shall be allowed, up to 3 credits. Generation shall be calculated as follows:</p> <p>For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATTS or approved alternate by the code official.</p> <p>Documentation noting solar access shall be included on the plans.</p> <p>For wind generation projects designs shall document annual power generation based on the following factors:</p> <p>The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the photovoltaic or wind turbine equipment type, provide documentation of solar and wind access, and include a calculation of the minimum annual energy power production.</p>	1.0	1.0
<b>7. APPLIANCE PACKAGE OPTION</b>			
7.1	<p>All of the following appliances shall be new and installed in the dwelling unit and shall meet the following standards:</p> <p>Dishwasher - Energy Star rated</p> <p>Refrigerator (if provided) - Energy Star rated</p> <p>Washing machine - Energy Star rated</p> <p>Dryer - Energy Star rated, ventless dryer with a minimum CEF rating of 5.2.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the appliance type and provide documentation of Energy Star compliance. At the time of inspection, all appliances shall be installed and connected to utilities. Dryer ducts and exterior dryer vent caps are not permitted to be installed in the dwelling unit.</p>	0.5	1.5

<sup>a</sup> An alternative heating source sized at a maximum of 0.5 Watts/ft<sup>2</sup> (equivalent) of heated floor area or 500 Watts, whichever is bigger, may be installed in the dwelling unit.

**NEW SECTION**

**WAC 51-11R-40700 Section R407—Certified passive house.**

**R407.1 General.** Projects shall comply with Section R407.2 or R407.3.

**R407.2 Passive House Institute U.S. (PHIUS).** Projects shall comply with PHIUS+ 2018 Passive Building Standard, including its USDOE Energy Star and Zero Energy Ready

Home co-requisites, and performance calculations by PHIUS-approved software. Projects shall also comply with the provisions of Table R405.2.

**R407.2.1 PHIUS documentation.** Prior to the issuance of a building permit, the following items must be provided to the building official:

1. A list of compliance features.
2. A PHIUS precertification letter.

Prior to the issuance of a certificate of occupancy, the following item must be provided to the building official:

1. A PHIUS+ 2018 (or later) project certificate.

**R407.3 Passive House Institute (PHI).** Projects shall comply with Low Energy Building Standard, version 9f or later, including performance calculations by PHI-approved software. Projects shall also comply with the provisions of Section R401 through R404.

**R407.3.1 PHI documentation.** Prior to the issuance of a building permit, the following items must be provided to the building official:

1. A list of compliance features.
2. A statement from a passive house certifier that the modeled energy performance is congruent with the plans and specifications, and that the modeled performance meets said standard.

Prior to the issuance of a certificate of occupancy, the following item must be provided to the building official:

1. A PHI Low Energy Building project certificate.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-50100 Section R501—General.**

**R501.1 Scope.** The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing buildings and structures.

**R501.1.1 Additions, alterations, or repairs.** Additions, alterations, or repairs to an existing building, building system or portion thereof shall comply with Sections R502, R503 or R504. Unaltered portions of the existing building or building supply system shall not be required to comply with this code.

**R501.1.2 Thermostats for accessory dwelling units.** Where a separate dwelling unit, that provides independent facilities for living, sleeping, cooking, bathing and sanitation, is established within or attached to an existing dwelling unit, the heating and cooling for the newly-created dwelling unit shall be controllable with a separate programmable thermostat in accordance with Section R403.1.1.

**R501.2 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.

**R501.3 Maintenance.** Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices and systems that 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.

**R501.4 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 the *International Residential Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Property Maintenance Code, and NFPA 70.*

**R501.5 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 hazards to life, health or property are not 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.

**R501.6 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 register 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*.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-50200 Section R502—Additions.**

**R502.1 General.** Additions to an existing building, building system or portion thereof shall conform to the provisions of this code as those provisions 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 where the addition alone complies, where the existing building and addition comply with this code as a single building, or where the building with the addition uses no more energy than the existing building. Additions shall be in accordance with Section R502.1.1 or R502.1.2.

**R502.1.1 Prescriptive compliance.** Additions shall comply with Sections R502.1.1.1 through R502.1.1.4.

**R502.1.1.1 Building envelope.** New building envelope assemblies that are part of the addition shall comply with Sections R402.1, R402.2, R402.3.1 through R402.3.5, and R402.4.

EXCEPTION: Where nonconditioned space is changed to conditioned space, the building envelope of the addition shall comply where the UA, as determined in Section R402.1.4, of the existing building and the addition, and any alterations that are part of the project, is less than or equal to UA generated for the existing building.

**R502.1.1.2 Heating and cooling systems.** New heating, cooling and duct systems that are part of the addition shall comply with Section(~~(s R403.1, R403.2, R403.3, R403.5, and R403.6)~~) **R403.**

EXCEPTION: The following need not comply with the testing requirements of Section R403.3.3:

1. Additions of less than 750 square feet.
2. Duct systems that are documented to have been previously sealed as confirmed through field verification and diagnostic testing in accordance with procedures in WSU RS-33.
3. Ducts with less than 40 linear feet in unconditioned spaces.
4. Existing duct systems constructed, insulated or sealed with asbestos.

**R502.1.1.3 Service hot water systems.** New service hot water systems that are part of the addition shall comply with Section R403.5.

**R502.1.1.4 Lighting.** New lighting systems that are part of the addition shall comply with Section 404.1.

**R502.1.2 Existing plus addition compliance (Simulated Performance Alternative).** Where nonconditioned space is changed to conditioned space the addition shall comply where the annual energy use of the addition and the existing building, and any alterations that are part of the project, is less than or equal to the annual energy use of the existing building when modeled in accordance with Section R405. The addition and any alterations that are part of the project shall comply with Section R405 in its entirety.

AMENDATORY SECTION (Amending WSR 17-10-063, filed 5/2/17, effective 6/2/17)

**WAC 51-11R-50300 Section R503—Alterations.**

**R503.1 General.** Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less conforming to 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.

Alterations shall be such that the existing building or structure uses no more energy than the existing building or structure prior to the alteration. Alterations to existing buildings shall comply with Sections R503.1.1 through R503.2.

The *code official* may approve designs of alterations which do not fully conform to all of the requirements of this

code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

The alteration improves the energy efficiency of the building; or

The alteration is energy efficient and is necessary for the health, safety, and welfare of the general public.

**R503.1.1 Building envelope.** Building envelope assemblies that are part of the alteration shall comply with Section R402.1.1 or R402.1.4, Sections R402.2.1 through R402.2.11, R402.3.1, R402.3.2, R402.4.3, and R402.4.4.

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. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation. 2 x 4 framed walls shall be insulated to a minimum of R-15 and 2 x 6 framed walls shall be insulated to a minimum of R-21.
3. Construction where the existing roof, wall or floor cavity is not exposed.
4. Roof recover.
5. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. 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.

**R503.1.1.1 Replacement fenestration.** 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 R402.1.1. Where more than one replacement fenestration unit is being installed, an area-weighted average of the *U*-factor and SHGC of all replacement fenestration shall be permitted to be used to demonstrate compliance.

**R503.1.2 Heating and cooling systems.** New heating, cooling and duct systems that are part of the alteration shall comply with Section(~~(s R403.1, R403.2, R403.3, and R403.6)~~) **R403.**

EXCEPTIONS:

1. Where ducts from an existing heating and cooling system are extended, duct systems with less than 40 linear feet in unconditioned spaces shall not be required to be tested in accordance with Section R403.2.2.
2. Existing duct systems constructed, insulated or sealed with asbestos.

**R503.1.3 Service hot water systems.** New service hot water systems that are part of the alteration shall comply with Section R403.5.

**R503.1.4 Lighting.** New lighting systems that are part of the alteration shall comply with Section R404.1.

EXCEPTION: Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

**R503.2 Change in space conditioning.** Any nonconditioned or low-energy space that is altered to become conditioned space shall be required to be brought into full compliance with this code.

**EXCEPTION:** Where the simulated performance option in Section R405 is used to comply with this section, the annual energy use of the proposed design is permitted to be 110 percent of the annual energy use otherwise allowed by Section R405.3.

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-51000 Chapter 6—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 R106.

<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 ((C440-H)) C440-17	North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights .....	R402.4.3
<b>ACCA</b>	Air Conditioning Contractors of America 2800 Shirlington Road, Suite 300 Arlington, VA 22206	
Standard reference number	Title	Referenced in code section number
Manual ((J-H)) J-16	Residential Load Calculation Eighth Edition .....	R403.7
Manual ((S-10)) S-14	Residential Equipment .....	R403.7
<b>APSP</b>	<u>The Association of Pool and Spa Professionals</u> 2111 Eisenhower Avenue, Suite 500 Alexandria, VA 22206	
Standard reference number	Title	Referenced in code section number
<u>ANSI/APSP/ICC 14-2014</u>	<u>American National Standard for Portable Electric Spa Energy Efficiency</u> .....	<u>R403.11</u>
<u>ANSI/APSP/ICC 15a-2011</u>	<u>American National Standard for Residential Swimming Pool and Spa Energy Efficiency— Includes Addenda A approved January 9, 2013</u> .....	<u>R403.12</u>
<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
ASHRAE-((2009)) 2017	ASHRAE Handbook of Fundamentals .....	R402.1.4, Table R405.5.2(1)
ASHRAE 193-2010 (RA 2014)	Method of Test for Determining the Airtightness of HVAC Equipment .....	R403.3.2.1
<b>ASTM</b>	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2859	
Standard reference number	Title	Referenced in code section number
C1363-11	Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus .....	R303.1.4.1
E 283-04 (2012)	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differ- ences Across the Specimen .....	R402.4.5
E779-10	<u>Standard Test Method for Determining Air Leak- age Rate by Fan Pressurization</u> .....	<u>R402.4.1.2</u>



E1827-11	<u>Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door</u> .....	<u>R402.4.1.2</u>
<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)) <u>101/I.S.2/A440-17</u>	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights .....	R402.4.3
((CSA 55.1-2012)) <u>CSA 55.1-2015</u>	Test Method for Measuring Efficiency and Pres- sure Loss of Drain Water Heat Recovery Systems .....	R403.5.4, Table R406.2
((CSA 55.2-2012)) <u>CSA 55.2-2015</u>	Drain Water Heat Recovery Units .....	R403.5.4
<u>CSA P.4.1-15</u>	<u>Testing Method for Measuring Annual Fireplace Efficiency</u> .....	<u>R402.4.2.1</u>
<b>DASMA</b>	<u>Door and Access Systems Manufacturers Associ- ation</u> <u>1300 Sumner Avenue</u> <u>Cleveland, OH 44115-2851</u>	
105-2016	<u>Test Method for Thermal Transmittance and Air Infiltration of Garage Doors and Rolling Doors</u> .....	<u>R303.1.3</u>
<b>HVI</b>	<u>Home Ventilating Institute</u> <u>1000 North Rand Road, Suite 214</u> <u>Wauconda, IL 60084</u>	
916-09	<u>Airflow Test Procedure</u> .....	<u>R303.1.3</u>
<b>ICC</b>	International Code Council, Inc. 500 New Jersey Avenue, N.W. 6th Floor Washington, DC 20001	
Standard reference number	Title	Referenced in code section number
((IBC-15)) <u>IBC-17</u>	International Building Code .....	R201.3, R303.2, R402.11, R4501.4
((ICC 400-15)) <u>ICC 400-17</u>	Standard on the Design and Construction of Log Structures .....	Table ((R402.5.1.1)) <u>R402.1.1</u>
((IFC-15)) <u>IFC-17</u>	International Fire Code .....	R201.3, R501.4
((IFGC-15)) <u>IFGC-17</u>	International Fuel Gas Code .....	R201.3, R501.4
((IMC-15)) <u>IFGC-17</u>	International Mechanical Code .....	R201.3, R403.3.2, R403.6, R501.4
((IPMC-15)) <u>IPMC-17</u>	International Property Maintenance Code .....	R501.4
((IRC-15)) <u>IRC-17</u>	International Residential Code .....	R104.2.1, R201.3, R303.2, R401.2, R403.2.2, R403.5, R406.1, R406.2, Table R406.2
<b>IEEE</b>	The Institute of Electrical and Electronic Engineers, Inc. 3 Park Avenue New York, NY 10016-5997	
Standard reference number	Title	Referenced in code section number
515.1-2012	IEEE Standard for the Testing, Design, Installa- tion and Maintenance of Electrical Resistance Trace Heating for Commercial Applications .....	R403.5.1.2
<b>NEEA</b>	Northwest Energy Efficiency Alliance 421 S.W. 6th Ave., Suite 600 Portland, OR 97204	
Standard reference number	Title	Referenced in code section number

NEEA-2011	Northern Climate Specification for Heat Pump Water Heaters, Vers. 4.0	Table R406.2
<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
100-2010	Procedure for Determining Fenestration Products <i>U</i> -factors	R303.1.3
200-2010	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence	R303.1.3
400-2010	Procedure for Determining Fenestration Product Air Leakage	R402.4.3
<b>UL</b>	Underwriters Laboratory 333 Pfingsten Road Northbrook, IL 60062	
Standard reference number	Title	Referenced in code section number
UL 127-11	Factory Built Fireplace	R402.4.2
UL 515-11	Electric Resistance Heat Tracing for Commercial and Industrial Applications	R403.5.1.2
UL 907-94	Fireplace Accessories (with revisions through April 2010)	R402.4.2
<b>US-FTC</b>	United States-Federal Trade Commission 600 Pennsylvania Avenue N.W. Washington, DC 20580	
Standard reference number	Title	Referenced in code section number
C.F.R. Title 16 (May 31, 2005)	<i>R</i> -value	Rule R303.1.4
<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/A440-11	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights	R402.4.3
<b>WSU</b>	Washington State University Energy Extension Program 905 Plum Street S.E., Bldg 3 P.O. Box 43165 Olympia, WA 98506-3166	
Standard reference number	Title	Referenced in code section number
WSU RS 33	Duct Testing Standard for New and Existing Construction Publication No. WSUEEP15-016	R403.3.3

**NEW SECTION**

**WAC 51-11R-58000 Appendix RA—Optional energy efficiency measures—One step.** Building owners may choose to use this appendix to achieve an additional 6 percent savings in building energy use. The number of additional energy efficiency credits required by Section R406.3 would be increased by the following amounts:

1.0 credit for each new single-family, two-family and townhouse dwelling unit.

0.5 credit for each new dwelling unit within an R-2 occupancy building.

0.5 credit for each addition smaller than 500 square feet to a single-family, two-family or townhouse dwelling unit.

1.0 credit for each addition of 500 square feet or larger to a single-family, two-family or townhouse dwelling unit.

Where Section R405, Simulated performance alternative, is used, the maximum allowable energy consumption shall be 92 percent of the value calculated according to Section R405.3.

**NEW SECTION**

**WAC 51-11R-59000 Appendix RB—Optional energy efficiency measures—Two step.** Building owners may choose to use this appendix to achieve an additional 12 percent savings in building energy use. The number of addi-

tional energy efficiency credits required by Section R406.3 would be increased by the following amounts:

2.0 credit for each new single-family, two-family and townhouse dwelling unit.

1.0 credit for each new dwelling unit within an R-2 occupancy building.

1.0 credit for each addition smaller than 500 square feet to a single-family, two-family or townhouse dwelling unit.

1.5 credit for each addition of 500 square feet or larger to a single-family, two-family or townhouse dwelling unit.

Where Section R405, Simulated performance alternative, is used, the maximum allowable energy consumption shall be 92 percent of the value calculated according to Section R405.3.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-60000 Appendix RC—Exterior design conditions.** As required by Section R302.2, the heating or cooling outdoor design temperatures shall be selected from Table RC-1.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-60100 Table RC-1—Outdoor design temperatures for Washington.**

**TABLE RC-1  
OUTDOOR DESIGN TEMPERATURES**

Location	Outdoor Design Temp Heating (°F)	Outdoor Design Temp Cooling (°F)
Aberdeen 20NNE	25	83
Anacortes	24	72
Anatone	-4	89
Auburn	25	84
Battleground	19	91
Bellevue	24	83
Bellingham 2N	19	78
Blaine	17	73
Bremerton	29	83
Burlington	19	77
Chehalis	21	87
Chelan	10	89
Cheney	4	94
Chesaw	-11	81
Clarkston	10	94
Cle Elum	1	91
Colfax 1NW	2	94
Colville AP	-2	92
Concrete	19	83

Location	Outdoor Design Temp Heating (°F)	Outdoor Design Temp Cooling (°F)
Connell 4NNW	6	100
Cougar 5E	25	93
Dallesport AP	14	99
Darrington RS	13	85
Davenport	5	92
Edmonds	24	82
Ellensburg AP	2	90
Elma	24	88
Ephrata AP	7	97
Everett Paine AFB	21	79
Forks 1E	23	81
Glacier RS	13	82
Glenoma (Kosmos)	18	89
Goldendale	7	94
Grays River Hatchery	24	86
Greenwater	1.4	84
Grotto	21	84
Hoquiam AP	26	79
Inchelium 2NW	0	92
John Day Dam	19	100
Kent	21	85
Kirkland	17	83
La Grande	23	88
Leavenworth	-3	93
Little Goose Dam	22	101
Long Beach 3NNE	25	77
Longview	24	87
Lower Granite Dam	14	98
Lower Monument Dam	18	103
Marysville	23	79
Metaline Falls	-1	89
Methow 2W	1	89
Nespelem 2S	-4	93
Newhalem	19	89
Newport	-5	92
Northport	2	92
Oak Harbor	16	74
Odessa	7	100
Olga 2SE	24	71
Olympia AP	17	85

Location	Outdoor Design Temp Heating (°F)	Outdoor Design Temp Cooling (°F)
Omak 2NW	3	90
Oroville	5	93
Othello	9	98
Packwood	16	90
Plain	-3	89
Pleasant View	16	98
Pomeroy	3	95
Port Angeles	28	75
Port Townsend	25	76
Prosser	12	97
Puyallup	19	86
Quilcene 2SW	23	83
Quinault RS	25	84
Rainier, Longmire	15	85
Paradise RS	8	71
Raymond	28	81
Redmond	17	83
Republic	-9	87
Richland	11	101
Ritzville	6	99
Satus Pass	10	90
Seattle: SeaTac AP	24	83
Sedro Woolley 1E	19	78
Sequim	23	78
Shelton	23	85
Smyrna	8	102
Snohomish	21	81
Snoqualmie Pass	6	80
Spokane AP	4	92
Spokane CO	10	96
Stampede Pass	7	76
Stehekin 3NW	12	85
Stevens Pass	6	77
Tacoma CO	29	82
Tatoosh Island	31	63
Toledo AP	17	84
Vancouver	22	88
Vashon Island	28	78
Walla Walla AP	6	96
Waterville	1	88
Wellpinit	1	93

Location	Outdoor Design Temp Heating (°F)	Outdoor Design Temp Cooling (°F)
Wenatchee CO	10	92
Whidbey Island	11	71
Willapa Harbor	26	81
Wilson Creek	3	96
Winthrop 1WSW	-12	91
Yakima AP	11	94

**ABBREVIATIONS:**  
 AFB Air Force Base  
 AP Airport  
 CO City Office  
 RS Ranger Station  
 Typical: "4(miles)NE"

**WSR 19-16-144  
 PROPOSED RULES  
 WENATCHEE VALLEY COLLEGE**

[Filed August 7, 2019, 7:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-13-089.

Title of Rule and Other Identifying Information: Expressive activities, chapter 132W-277 [132W-112] WAC.

Hearing Location(s): On September 11, 2019, at 4 p.m., at Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801.

Date of Intended Adoption: October 16, 2019.

Submit Written Comments to: Reagan Bellamy, 1300 Fifth Street, Wenatchee, WA 98801, email rbellamy@wvc.edu, fax 509-682-6441, by October 1, 2019.

Assistance for Persons with Disabilities: Contact Lisa Foster, phone 509-682-6854, email lfoster@wvc.edu.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Wenatchee Valley College has proposed amendments to its rules concerning student's rights and freedoms as codified in chapter 132W-112 WAC. Chapter 132-12 [132W-112] WAC is in need of updating to further to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity.

Reasons Supporting Proposal: WAC reflects college policy changes concerning facilities use for expressive activities.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 132W-112 WAC.

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

Name of Proponent: Wenatchee Valley College, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Reagan Bellamy, 1300 Fifth Street,

509-682-6445; and Enforcement: Brett Riley, 1300 Fifth Street, 509-682-6515.

A cost-benefit analysis is not required under RCW 34.05.328. Rule relates to internal governmental operations that are not subject to violation by a nongovernment party.

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.

July 11, 2019  
Jim Richardson  
President

#### NEW SECTION

**WAC 132W-112-002 Expressive activities.** This chapter shall be known as facility use for expressive activities.

#### NEW SECTION

**WAC 132W-112-103 Statement of purpose.** Wenatchee Valley College District is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities to which the college's facilities and grounds are dedicated. Accordingly, the college designates the common areas of the college as a limited public forum dedicated to the use of college groups, subject to the time, place, and manner limitations and restrictions set forth in this policy. Groups or individuals who are invited or permitted to engage in first amendment activities at the college do not represent an endorsement by Wenatchee Valley College or the board of trustees.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college has designated certain sites as public use areas open to noncollege groups as set forth herein.

#### NEW SECTION

**WAC 132W-112-105 Definitions.** (1) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(2) "College groups" means individuals or groups who are currently enrolled students or current employees of the

college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "Expressive activity" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational 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 assemblies to share information, perspective or viewpoints.

(4) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "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 activity protected by the first amendment, subject to reasonable time, place, or manner restrictions.

#### NEW SECTION

**WAC 132W-112-115 Use of facilities.** (1) Subject to the regulations and requirements of this policy, groups may use the campus limited forums for expressive activities between the hours of 8:00 a.m. and 10:00 p.m.

(2) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the 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.

(3) Any sound amplification device may only be used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled college event or activity.

(4) Groups are encouraged to notify the campus public safety department no later than twenty-four hours in advance of an event. However, unscheduled events are permitted so long as the event does not materially disrupt any other function occurring at the facility.

(5) All sites used for expressive activity should be cleaned up 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 organization for the costs of extraordinary cleanup or for the repair of damaged property.

(6) All fire, safety, sanitation or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activity conducted pursuant to this policy.

(7) 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 invitees to the college.

(8) The event must not 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 invitees to the college.

(9) There shall be no overnight camping on college facilities or grounds. 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.

(10) 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 a college department or office or officially chartered student club.

(11) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

#### NEW SECTION

**WAC 132W-112-125 Additional requirements for noncollege groups.** (1) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the 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.

(2) Noncollege groups may otherwise use college facilities for expressive activity as identified in this policy.

(3) The college designates the following area(s) as the sole limited public forum area(s) for use by noncollege groups for expressive activity on campus:

(a) The public use area may be scheduled. Scheduled groups have priority of use over unscheduled groups:

(i) On the college's Wenatchee campus, the limited public forum is located on the west side of the campus fountain in front of the Van Tassell building.

(ii) On the Omak campus, the limited public forum is located on the north side of campus located adjacent to the garden behind the North Classroom building.

(b) Please contact the vice president of administrative services for more information.

(4) Noncollege groups that seek to engage in expressive activity on the designated public use area(s) are encouraged to provide notice to the campus public safety office no later than twenty-four hours prior to the event along with the following information solely to ensure:

(a) The area is not otherwise scheduled; and

(b) To give the college an opportunity to assess any security needs:

(i) The name, address, and telephone number of a contact person for the individual, group, entity, or organization sponsoring the event;

(ii) The date, time and requested location of the event;

(iii) The nature and purpose of the event; and

(iv) The estimated number of people expected to participate in the event.

#### NEW SECTION

**WAC 132W-112-127 Distribution of materials.** College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus, in compliance with WVC policy 200.180, distribution of materials. Noncollege groups may distribute materials only at the site designated for noncollege groups. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.

#### NEW SECTION

**WAC 132W-112-135 Trespass.** (1) Noncollege groups who violate these rules, or whose conduct jeopardizes the health or safety of others, will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus president or designee 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 criminal trespass provisions of chapter 9A.52 RCW or municipal ordinance.

(2) 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.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice president of administration or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice president of administrative services or designee will be the final decision of the college and should be issued within five work days.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132W-112-100 Freedom of speech and assembly.

**WSR 19-16-147**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 18-10—Filed August 7, 2019, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-02-085.

Title of Rule and Other Identifying Information: Ecology is proposing to amend the oil spill contingency plan rule (chapter 173-182 WAC). This chapter requires regulated vessels, facilities, and pipelines that handle or transport oil to have an approved plan in place for responding to oil spills. Oil spill contingency plans include information about how to make notifications and contract for the appropriate equipment and trained personnel to respond to spills that may occur.

Hearing Location(s): On Tuesday, September 17, 2019, at 1:00 p.m., at the Courtyard Seattle-Everett Downtown, 3003 Colby Avenue, Everett, WA 98201, presentation, question and answer session followed by the hearing; on Thursday, September 19, 2019, at 1:00 p.m., at the Ramada by Wyndham Spokane Airport, 8909 West Airport Drive, Spokane, WA 99224, presentation, question and answer session followed by the hearing; and on Tuesday, September 24, 2019, at 1:00 p.m., webinar and in-person at the Hilton Vancouver Washington, 301 West 6th Street, Vancouver, WA 98660, presentation, question and answer session followed by the hearing. We are also holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access. Join online and see instructions <https://global.gotomeeting.com/join/424089589>, for audio, call United States toll number 1-646-749-3122 and enter access code 424089589, or to receive a free call back, provide your phone number when you join the event online.

Date of Intended Adoption: December 18, 2019.

Submit Written Comments to: Sonja Larson, Department of Ecology, Spill Prevention, Preparedness, and Response Program, P.O. Box 47600, Olympia, WA 98504-7600, submit comments by mail, online, or at the hearing(s), online <http://cs.ecology.commentinput.com/?id=V6ATc>, by October 6, 2019.

Assistance for Persons with Disabilities: Contact ecology's Americans with Disabilities Act (ADA) coordinator, phone 360-407-6831, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email [ecyADAcordinator@ecy.wa.gov](mailto:ecyADAcordinator@ecy.wa.gov), by September 15, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology is proposing to amend the oil spill contingency plan rule (chapter 173-182 WAC) to implement E2SSB 6269 passed in chapter 262, Laws of 2018, amending chapters 82.23B, 88.46, and 90.56 RCW. This rule making will:

- Establish requirements for review and approval of spill management teams (SMT) including entities providing wildlife rehabilitation and recovery services.
- Enhance requirements for readiness for spills of oils that, depending on their chemical properties, environmental

factors (weathering), and method of discharge, may submerge or sink.

- Update drill requirements to reflect legislative direction.
- Update planning standards to align vessel and facility requirements and ensure best achievable protection is maintained in contingency plans.
- Enhance planning standards for oiled wildlife response.
- Make other edits to address inconsistent or unclear direction in the rule, or other administrative edits.

Reasons Supporting Proposal: Rule revisions are needed to address legislative direction that came out of the 2018 session that requires a rule update by December 31, 2019. Legislative direction from E2SSB 6269 directed ecology to update our contingency plan rule to enhance preparedness for spills of nonfloating oils, require facilities to participate in large scale multiplan holder drills, and require SMTs to apply to and be approved by ecology in order to be cited in contingency plans.

Statutory Authority for Adoption: RCW 90.56.005, 90.56.050, 88.46.060, 88.46.120, 88.46.068, 88.46.0601, and 90.56.2101.

Statute Being Implemented: RCW 90.56.210 Contingency plans.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Sonja Larson, Department of Ecology, Lacey, Washington, 360-407-6682; Implementation and Enforcement: Linda Pilkey-Jarvis, Department of Ecology, Lacey, Washington, 360-407-7447.

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 Sonja Larson, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6682, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, to request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>, email [sonja.larson@ecy.wa.gov](mailto:sonja.larson@ecy.wa.gov).

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

#### Small Business Economic Impact Statement (SBEIS)

This SBEIS presents the:

- Compliance requirements of the proposed rule.
- Results of the analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating action taken by ecology, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected net impact on jobs statewide.

A small business is defined by the Regulatory Fairness Act (RFA) (chapter 19.85 RCW) as having fifty or fewer employees. Estimated costs are determined as compared to the existing regulatory environment, the regulations in the absence of the rule. The SBEIS only considers costs to "businesses in an industry" in Washington state. This means that impacts, for this document, are not evaluated for nonprofit or government agencies.

The existing regulatory environment is called the "baseline" in this document. It includes only existing laws and rules at federal and state levels.

*This information is excerpted from ecology's complete set of regulatory analyses of the proposed rule. For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the Regulatory Analyses (Ecology publication no. 19-08-017, July 2019).*

#### COMPLIANCE REQUIREMENTS OF THE PROPOSED RULE, INCLUDING PROFESSIONAL SERVICES

**Baseline:** The baseline for our analyses generally consists of existing rules and laws, and their requirements. This is what allows us to make a consistent comparison between the state of the world with and without the proposed rule amendments.

For this proposed rule making, the baseline includes (but is not limited to):

- The existing rule, chapter 173-182 WAC, Oil spill contingency plan.
- The authorizing laws:
  - Chapter 88.46 RCW, Vessel oil spill prevention and response.
  - Chapter 90.48 RCW, Water pollution control.
  - Chapter 90.56 RCW, Oil and hazardous substance spill prevention and response.
  - ESSB 6269, amending chapters 82.23B, 88.46, and 90.56 RCW. Relevant amendments primarily relate to planning for spills of potentially sinking oils.

#### Proposed rule amendments

##### Part I: Purpose, applicability, authority, and definitions.

**Purpose, applicability, and definitions:** The proposed amendments add SMTs and wildlife response service providers (WRSP) to the purpose and applicability of the rule. They also add corresponding definitions of SMT and WRSP.

**Expected impact:** In and of themselves, the proposed amendments to this section do not have an impact. The impacts of including SMTs and WRSPs in the rule arise from various requirements set out in amendments to other sections of the rule, and are discussed in corresponding sections of this document.

##### Part II (A): General planning, information, and timing.

**Phase-in of requirements:** The proposed amendments replace baseline phase-in timing of requirements with new phased-in timing for plan holders, SMTs, and WRSPs.

##### Expected impact:

Phasing in requirements would allow plan holders, SMTs, WRSPs, and primary response contractors (as relied upon to meet planning requirements) additional time to meet

new or altered requirements in the proposed amendments, compared to immediate compliance at the effective date of the rule. We do not expect amendments to this section to result in costs, as compared to the baseline.

##### Part II (B): Contingency plan format and content.

**Binding agreement plan submission and signatory requirements:** The proposed amendments expand the binding agreement requirements to the plan submitter, who is not necessarily the plan holder as under the baseline. The signatory may be an authorized:

- Representative of a nonprofit corporation established to provide oil spill contingency plan coverage.
- Owner, operator, or a designee with authority to bind the owners and operators of the facilities or vessels covered by the plan.
- Resident agent of the vessel(s) submitting the plan.
- Representative(s) of a company contracted to the vessel or facility and approved by ecology to provide containment and clean-up services.

**Expected impact:** These proposed amendments are likely to result in plan update costs. They would also result in benefits arising from more options in management of contingency plans, such as improved management of response, and potential reduced overall costs for plan holders that choose external plan submitters.

**Plan general content:** The proposed amendments expand contact information requirements for all plans to include relevant SMT or WRSP information. The phone numbers for primary response contractors (PRC), SMTs, or WRSPs must be one at which they can be reached twenty-four hours a day.

**Expected impact:** These proposed amendments are likely to result in plan update costs. They are also likely to result in improved efficiency of response, including certainty that PRCs, SMTs, and WRSPs are under contract and can be reached at any time.

**Field document requirements:** The proposed amendments add a form to the field document, to document notifications.

**Expected impact:** The proposed amendments are likely to result in plan update costs, as well as the benefit of ensuring responders complete notifications and document them appropriately.

**Listing of SMT personnel and timing:** The proposed amendments require a table in the plan, listing personnel or the contracted SMT filling incident command system roles. Three people trained to fill each of the following roles:

- Responsible party incident commander.
- Public information officer.
- Liaison officer.
- Safety officer.
- Planning section chief.
- Operations section chief.
- Logistics section chief.
- Finance section chief.

One person capable of filling each of the roles:

- Air operations branch director.



- Wildlife branch director.
- Situation unit leader.
- Resources unit leader.
- Documentation unit leader.
- Environmental unit leader.

PRCs, SMTs, or WRSPs used to fill roles must have applications on file with the state, and be contracted. A person may fill up to two roles. Position and planning process descriptions in the incident management handbook may be referenced.

A combination of training and experience in drills and spills may be used to describe SMT personnel capabilities within response roles.

The plan must include a narrative description of estimated team arrival timeframes to the state.

**Expected impact:** The proposed amendments would likely result in additional costs, either to the plan holder for training additional internal staff, or in the form of contracting costs to retain an external SMT and WRSP. They are also likely to result in improved response efficiency, and less potential environmental, property, or human health damage.

#### **Part II (C): Planning standards.**

**Potentially sinking oil planning standards:** The proposed amendments delete planning standards for pipelines carrying crude oils or diluted bitumen, and expand the Group 5 planning standards to all plan holders handling or transporting oils that may weather and sink.

The plan holder or contracted PRC must have capable personnel and equipment to respond to a spill of these oils within the timeframes in the table below. The plan must also detail the process for identifying if the oil handled has the potential to submerge or sink and include a description of the process for detecting, delineating, and recovering nonfloating oils in the areas that may be impacted.

**Expected impact:** The proposed amendments are likely to result in plan update costs, and potential costs of contracting with a PRC to meet the new required equipment and response capabilities. It is also likely to result in benefits from reduced potential damages to water column species and sediments, as well as reduced or avoided cleanup costs resulting from oils sinking.

**Dispersant planning standards:** The proposed amendments expand planning requirements to all plan holders carrying, handling, storing, or transporting Group 2, 3, or 4 persistent oils that are known to be dispersable.

**Expected impact:** The proposed amendments are likely to result in plan update costs, as well as benefits related to appropriate use of dispersants by all plan holders and alignment with the northwest area contingency plan (NWACP) dispersant policy.

**In situ burning planning standards:** The proposed amendments add personal protective equipment to the list of equipment that must be at the locations listed in the plan. They also add personnel resources to the description of resources used to monitor equipment effectiveness.

**Expected impact:** The proposed amendments are likely to result in plan update costs, as well as benefits related to preparedness for in situ burning for all oil types, and additional protection for personnel, and increased alignment with NWACP in situ burning policy.

**Compliance documentation requirements:** The proposed amendments remove the requirement to identify personnel by resource type, quantity, home base, and provider.

The proposed amendments add options for documentation supporting requests for alternative notification mobilization, and travel time, to include actual performance during drills or planned equipment moves. They also expand the situations under which alternate response times can be tested, to include training exercises and planned drills.

**Expected impact:** These proposed amendments are not likely to result in costs. Ecology provides plan holders with the spreadsheet that documents compliance. There are also likely benefits from removing some documentation requirements.

**Transfer site planning standards:** The proposed amendments add:

- A two hour planning standard for a safety assessment of the spill by trained crew and appropriate air monitoring, with one thousand feet of boom.
- A four hour planning standard for at least an additional two hundred feet of boom and temporary storage of at least one hundred ninety-six barrels with the ability to collect, contain, and separate collected oil from water. The additional boom should be capable of encountering oil at advancing speeds of at least two knots in waves. This boom shall be of a type appropriate for the operating environment.

**Expected impact:** The proposed amendments are likely to result in additional equipment costs or contracting costs (if current contracted PRC lacks required assets) and response benefits if plan holders do not have access to equipment that does not meet the proposed planning standards.

#### **Part II (D): Response and protection for sensitive areas.**

**Descriptions of sensitive areas and protection:** The proposed rule adds that identification of sensitive resources will not be limited to surface and shoreline species at risk from floating oil spills, but will also include water column and benthic species at risk from sunken, submerged, or non-floating oil spills. Nonfloating oils considerations include identification of:

- Waterway depths.
- Water density.
- Sediment load.
- Sea floor or river bottom types.
- Response options based on those factors.

**Expected impact:** Ecology will do this through a formal geographic response plan (GRP) update process. We therefore expect the proposed amendments to result in only minor plan update costs of ensuring the plan references the appropriate GRP(s), and identifying if the plan holder can appropriately deal with nonfloating oil spills. Likely benefits include more comprehensive preparedness for sunken, submerged, and nonfloating oils and increased stakeholder input on the resources at risk described in GRPs.

**Shoreline sensitive areas planning standards:** The proposed amendments remove the facility shoreline-planning

standard, and include all plan holders under the shoreline-planning standard applied to only vessels under the baseline.

**Expected impact:** Ecology determined that the facility shoreline planning standard requirements in the baseline are insufficient. Therefore, a facility meeting the baseline standard is not likely to have a plan that would provide best achievable protection and would not be approved. Consequently, we do not expect significant costs or benefits from these proposed amendments, as an approvable plan would provide similar protection to what is required for vessels under the baseline. However, we do expect some benefit to come from making it more clear up-front what is necessary to include in the sensitive areas component of a plan so ecology can approve the plan.

**Air monitoring for human protection planning standards:** The proposed amendments apply the baseline requirements to all plan holders, instead of only pipelines.

**Expected impact:** The proposed amendments are likely to result in plan update costs for plan holders other than pipelines (which already must meet the standard under the baseline). They are also likely to result in benefits of vessels and facilities planning for comprehensive protection for responders, at-risk populations, and nearby communities.

**Wildlife planning standards:** The proposed amendments replace the baseline requirements with a set of more specific requirements in planning to respond to and care for impacted or at-risk wildlife. This includes contact information for contracted PRCs or WRSPs that maintain the required equipment, personnel, permits, materials, and supplies, for conducting wildlife response operations. Plans must describe equipment, personnel, and resources including:

- Equipment and personnel for initial impact assessment and wildlife reconnaissance via air, land, or water in the spill area.
- Equipment and personnel for whale reconnaissance (if the plan holder operates or transits in areas where spills may impact whales).
- Contact information for providers of aircraft for reconnaissance and deterrence of whales, including southern resident killer whales.
- Contact information for persons or organizations that can identify southern resident killer whales and support field reconnaissance activities.
- Equipment and personnel for deterring wildlife in areas the plan holder operates or transits.
- Equipment and personnel for monitoring and deterrence of southern resident killer whales.
- Equipment and supplies for mobile field stabilization activities.
- Wildlife rehabilitation facilities, space, and equipment suitable to conduct wildlife rehabilitation activities, sufficient to meet Washington department of fish and wildlife requirements in WAC 220-450-100. Plan holders must have contracted access to (within twenty-four hour distance) specified equipment.

Plan holders must have contracted access to a WRSP with:

- Personnel that are appropriately trained to staff and manage the wildlife response within an incident command

structure. At least one person must be able to arrive in state within twelve hours of spill notification.

- Personnel to conduct and manage field aspects of a wildlife response including impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation. At least two people must be able to arrive within twelve hours of spill notification. An additional seven support personnel must be able to arrive within twenty-four hours of spill notification.

**Expected impact:** The proposed amendments are likely to result in plan update costs, as well as the costs of meeting the planning standard by acquiring access to resources (either through purchase or contract with a WRSP). They are also likely to result in benefits of significantly improved and coordinated response to oiled wildlife, resulting in potential reduced mortality and illness in affected animal populations, including threatened and endangered populations.

#### **Part II (E): Plan evaluation.**

**Plan evaluation requirements:** The proposed amendments limit resources that may be counted toward planning standards to those held by PRCs, the plan holder, or via contract, mutual aid agreement, or letter of intent.

**Expected impact:** The proposed amendments are likely to result in minor plan update costs, as well as the benefit of having contractual obligations for required resources included in plans.

**Five-year review cycle contents:** The proposed amendments add to the list of spills operations, tools, and technologies, by including improvements in equipment and techniques used for wildlife response.

**Expected impact:** We do not expect this proposed amendment to result in immediate costs, as future improvements in equipment and techniques used for wildlife response are unknown. If and when those improved tools become available, there may be future purchasing or contract costs, and wildlife benefits associated with new requirements.

**Notice requirements:** The proposed amendments add a requirement for SMT and WRSP applications to undergo public notice, review, and comment periods.

**Expected impact:** Under the baseline, it is not possible to be an approved SMT or WRSP. We anticipate those who want to become approved SMTs and WRSPs will do so when there is a net benefit to them, including costs associated with application notice, review, and comment periods. Additionally, the prices they charge for services are likely to reflect these setup costs for approval under the proposed amendments. The proposed amendments are also likely to result in benefits of sufficient public review of potential personnel, structures, and assets used to respond to spills, helping determine whether they meet environmental, property, and public health protection standards held by the public.

#### **Part III: Drill and equipment verification program.**

**Drill participation requirements:** The proposed amendments add SMTs and WRSPs to the parties required to participate plan holder drills and equipment verification programs.

**Expected impact:** The proposed amendments are likely to result in personnel and equipment costs to SMTs and WRSPs. If these resources are held through contract, these costs are likely to be passed on to plan holders as part of

retainer fees for contracts with SMTs and WRSPs. The proposed amendments are also likely to result in benefits of SMTs and WRSPs having experience with drills and having their processes tested to ensure they are sufficiently effective and protective.

**Drill type and frequency requirements:** The proposed amendments change attributes of the baseline drills:

- Tabletop drills also include SMTs.
- Ecology-initiated unannounced drills may include verification of Ecology-approved alternative vessel speeds.
- Credit for emergency response towing vessel (ERTV) deployment drills may be achieved for an emergency call-out of the ERTV.
- Wildlife deployment drills must be separate drills.
- The tank vessel multiplan holder deployment drill is expanded to the multiplan holder large-scale equipment deployment drill. This drill must still be performed once in each three-year cycle, and may additionally involve responses to potentially nonfloating oils. It may address spills of potentially nonfloating oils, and southern resident killer whales monitoring and deterrence. This drill must be scheduled at least ninety days in advance.

**Expected impact:** The proposed amendments are likely to result in additional costs of drills, for additional response involving SMTs, or personnel and equipment for response to threatened wildlife or nonfloating oils. In the multiplan holder deployment drill, plan holders share costs rather than incur them individually. By including these elements in drills, the proposed amendments are likely to result in benefits of effective and more-practiced and efficient response related to wildlife and nonfloating oils, and in general.

Including approved alternative vessel speeds in drills ensures that those speeds are appropriate, and can confirm the alternative vessel speeds requested by plan holders.

Allowing credit for ERTV deployment for an emergency call-out of the ERTV reduces drill costs for plan holders. In lieu of conducting a drill the entity that manages the ERTV submits an after action report on behalf of all vessel plan holders.

**Drill credit allowance:** The proposed amendments limit how often a plan holder can use drill credits earned from response to an actual spill to once per three year cycle, but allows plan holders to request credit for additional spill response. Ecology may grant additional credit to the plan holder if lessons were learned or key response components were successfully demonstrated.

**Expected impact:** We do not expect the proposed amendments to result in significant costs or benefits, since they establish a limit of using a spill for credit to once per three year cycle, but allow extension beyond it under certain circumstances. We consider this a clarification.

#### **Part IV: Primary response contractor, SMT, and WRSP standards.**

**PRC application and application-revision requirements:** The proposed amendments specify that safety training must include a determination that *response* equipment and *personal protective* equipment are appropriate for incident conditions.

**Expected impact:** This proposed amendment is primarily a clarification, since the baseline states that training must include determination that equipment is appropriate for conditions. Beyond improved clarity, we do not expect this proposed amendment to result in significant costs or benefits.

**SMT and WRSP application and application-revision requirements:** The proposed amendments add requirements and processes for SMT or WRSP applications, and changes to those applications, to become state-approved.

**Expected impact:** The proposed amendments are likely to result in application costs for SMTs and WRSPs, as well as benefits of ensuring that approved SMTs and WRSPs are capable of providing appropriate services and equipment to meet planning standards when they are under contract to plan holders.

#### **COSTS OF COMPLIANCE: EQUIPMENT.**

**Transfer site planning standard:** The proposed amendments are likely to result in additional equipment costs or contracting costs and response benefits if plan holders do not have access to equipment that does not meet the proposed planning standards. Based on identified equipment availability, one transfer site and one planning area do not meet the four-hour planning standard.

Access to the required additional two hundred feet of boom and temporary storage of at least one ninety-six barrels could be acquired through an existing PRC contract (if applicable), additional PRC contracting, or purchase. Purchase would likely be the most costly approach, and we expect plan holders will choose the least-cost approach. Depending on the types of equipment chosen, this could cost between \$80 thousand and \$250 thousand. Acquisition of an NOFI Current Buster 2 system, for example, could cost \$152 thousand.

#### **COSTS OF COMPLIANCE: SUPPLIES.**

Compliance with the proposed rule, compared to the baseline, is not likely to impose additional costs of supplies.

#### **COSTS OF COMPLIANCE: LABOR.**

**Application costs:** SMTs and WRSPs would incur expenditures related to updating their applications with ecology. We reached out to SMTs and WRSPs for input on costs, but did not receive responses in time for this preliminary analysis. As an estimate, we assumed applications take a general and operations manager sixteen hours. At the median wage in Washington of \$60.63, this proposed amendment would result in a one time cost of \$970. For the identified forty-six potential SMTs and four WRSPs, this total cost would be \$49 thousand.

#### **COSTS OF COMPLIANCE: PROFESSIONAL SERVICES.**

**Plan update costs:** Ecology anticipates that plan holders will incur costs for updates to their oil spill contingency plans. Costs for updates vary based on the risk and complexity of the covered parties operations.

Based on conversations with planning consultants currently working with Washington plan holders, we estimate the high-end range of plan update costs to be between \$40 thousand and \$55 thousand each. This cost range reflects two senior-level planners and between two and three months of work. Expenditures and time consumed are likely to be significantly less for covered parties with capacity to make plan updates in-house.

If all thirty-two contingency plans need to be updated, at a cost of between \$40 thousand and \$55 thousand each, this translates to a total one time cost of between \$1.3 million and \$1.8 million.

**Internal or retainer costs:** Plan holders would incur additional costs for training additional internal spill management staff, or retaining contracts with SMTs and WSRPs under the updated planning standards. We assume plan holders will choose the least-cost option that meets their planning and spill response needs. Currently, very few plan holders have retainer contracts with WRSPs.

Retainer fees are typically levied at a company-wide level (rather than by specific facility) and vary widely among plan holders. Retainer fees are highly variable, ranging between \$500 annually for the smallest, least complex plan holders, to over \$1.5 million annually for multinational plan holders with complex operations.

**Drill costs:** The proposed rule includes additional requirements related to drills that will likely result in personnel and equipment costs to SMTs and WRSPs.

High-end costs for drills could range between \$800 thousand and \$1.2 million. Tabletop drills typically last for less than two days and cost between \$10 thousand and \$100 thousand.

Since the proposed amendments require that large-scale multiplan holder drills may include deployment of equipment used to respond to nonfloating oils, we assumed this annual (one per year in one of the three regions, each three year cycle) drill would double in cost.

The proposed language would require separate wildlife-focused drills. This may result in additional expenses of up to \$30 thousand per drill.

**COSTS OF COMPLIANCE: ADMINISTRATIVE COSTS.**

Where applicable, ecology estimates administrative costs (overhead) as part of the cost of labor and professional services, above.

**COMPARISON OF COMPLIANCE COST FOR SMALL VERSUS LARGE BUSINESSES.**

Ecology calculated the estimated per-entity costs to comply with the proposed rule amendments, based on the costs estimated in Chapter 3. In this section, ecology summarizes compliance cost per employee at affected businesses of different sizes.

Separating across various types of potentially impacted parties (using employment at the highest ownership level):

- There are no small business plan holders covered by the proposed amendments.
- The average small business PRC employs about sixteen people, while the largest ten percent employs ten thousand people.
- The average small business SMT employs about ten people, while the largest ten percent employs ten thousand people.
- Only one private business WRSP is potentially impacted by the proposed amendments.

We note that aside from application and application-revision related costs, the proposed amendments require only plan holders to have or have access to assets and personnel. The costs of assets that may need to be acquired, therefore,

fall on the plan holders, even if access is acquired through contract with a SMT, PRC, or WRSP. Contracted parties providing personnel or response equipment are likely to pass voluntary costs (to be able to act as contracted parties for contingency plans) on to plan holders with whom they contract.

Therefore, for the purposes of RFA compliance, and to better reflect compliance cost burden in a competitive context, we have limited the costs examined for the remainder of this chapter to application costs incurred by SMTs. Again, this is because:

- Likely compliance costs differ by multiple orders of magnitude across the related, though not intercompetitive, markets affected by the proposed amendments.
- While plan holders are likely to incur significant costs as a result of the proposed amendments, there are no small business plan holders covered by the proposed amendments.
- There are no direct costs to PRCs as a result of the proposed amendments.
- Only one potentially impacted WRSP is a private business, so costs are inherently not disproportionate for WRSPs.

Business size	Average Employment	Cost per employee	
		Low	High
Small business	10	\$97.01	\$242.52
Largest 10 percent of businesses	10000	\$0.10	\$0.24

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses within the SMT industry. This is the case even if we assume that small businesses would have less equipment and personnel to document or describe in applications, and would incur only low-end costs for less time, while the largest businesses incurred only high-end costs.

Therefore, ecology must include elements in the proposed rule amendments to mitigate this disproportion, as far as is legal and feasible.

**CONSIDERATION OF LOST SALES OR REVENUE:** Businesses that would incur costs could experience reduced sales or revenues if the amendments would significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each business's production and pricing model (whether additional lump-sum costs significantly affect marginal costs), and the specific attributes of the markets in which they sell goods, including the degree of influence of each firm on market prices, as well as the relative responsiveness of market demand to price changes.

We used the REMI PI+ model for Washington state to estimate the impact of the proposed rule on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for: Interindustry impacts; price, wage, and population changes; and dynamic adjustment of all economic variables over time. This analysis was limited to the SMT industries likely to be disproportionately affected by the proposed rule, as well as the WRSP industries including a single private small business. We assumed appli-

cation expenditures would be incurred as production costs, as part of normal business operations.

Since we did not have comprehensive data for all potentially impacted SMTs and WRSPs, we ran forty-two simulations reflecting possible combinations of identified SMT and WRSP NAICS codes (at the level the REMI model aggregates them). The REMI model results do not indicate a significant impact to output or prices as a result of these production costs in any of the model runs. As such, we do not expect there to be any losses of sales or revenue in the SMT or WRSP industries as a result of the proposed amendments.

**MITIGATION OF DISPROPORTIONATE IMPACT:** The RFA (RCW 19.85.030(2)) states that:

"Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

Ecology considered all of the above options, and included the following legal and feasible elements in the proposed rule amendments that reduce costs. In addition, ecology considered the alternative rule contents discussed in Chapter 6, and excluded those elements that would have imposed excess compliance burden on businesses. This includes elements suggested by stakeholders, such as allowing plan holders to list either individuals or names of SMTs in the IRC table. See Chapter 6 for discussion.

Since the disproportionate compliance cost impact arises from application costs for SMTs, we were limited in options to reduce this disproportion. We were also limited numerically by the diverse nature of SMTs, with one SMT identified as a small business (within our employment data), while others were owned by larger, sometimes multinational, companies.

The options suggested in the RFA rely primarily on factors that are not applicable to application costs. These include substantive regulatory requirements, recordkeeping and reporting, and inspections. The proposed amendments do, however, phase in application time for SMTs, by allowing six months from the rule effective date.

**SMALL BUSINESS AND LOCAL GOVERNMENT CONSULTATION:** Ecology involved small businesses and local government in its development of the proposed rule amendments, using:

- Letters to tribes (mailing).
- Spills program listserv (email announcement of CR-101).

- WAC track listserv (email announcement of CR-101).
- Email to state-approved vessel and facility plan holders.
- Rule-development workshops with one hundred sixty stakeholders invited (March 6, March 28, April 11, April 18, and May 7). Invitees attending at least one workshop included representatives from various covered parties, SMTs, WRSPs, PRCs, governments, tribes, animal welfare groups, and environmental groups.
- Email to state approved PRCs.
- NWACP distribution listserv.
- Direct email or other contact with representatives from over one hundred thirty interested parties, including covered parties, SMTs, WRSPs, PRCs, governments, tribes, and environmental groups.

**NAICS CODES OF INDUSTRIES IMPACTED BY THE PROPOSED RULE:** The proposed rule is likely to impact the following NAICS codes. 2212, 2389, 2371, 5419, 2389, 4481, 3241, 6113, 3241, 5417, 4412, 8133, 3366, 5615, 4832, 4247, 5617, 4861, 4471, 5619, 4882, 4821, 5629, 4883, 4861, 8113, 5629, 4883, 9261, 5629, 9999, 9281, 9119, 9999.

**IMPACT ON JOBS:** Ecology used the REMI PI+ model for Washington state to estimate the impact of the proposed rule on jobs in the state, accounting for dynamic adjustments throughout the economy. The model accounts for: Interindustry impacts; price, wage, and population changes; and dynamic adjustment of all economic variables over time.

We used the REMI PI+ model for Washington state to estimate the impact of the proposed rule on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for: Interindustry impacts; price, wage, and population changes; and dynamic adjustment of all economic variables over time. This analysis was limited to SMT industries likely to be disproportionately affected by the proposed rule, as well as WRSP industries including a single private small business. We assumed application expenditures would be incurred as production costs, as part of normal business operations.

Since we did not have comprehensive data for all potentially impacted SMTs and WRSPs, we ran forty-two simulations reflecting possible combinations of identified SMT and WRSP NAICS codes (at the level the REMI model aggregates them). The REMI model results indicated that the proposed amendments would result in:

- Up to one job lost in 2020 in the Washington economy under low-cost assumptions. This lost job would be maintained through 2022, after which there would be no difference in employment from the baseline forecast.
- Under high-cost assumptions, up to 3 jobs in the Washington economy would be lost in 2020, and this job loss would diminish to zero in 2023, after which there would be no difference in employment from the baseline forecast.

These prospective changes in overall employment in the state are the sum of multiple small increases and decreases across all industries in the state.

A copy of the statement may be obtained by contacting Sonja Larson, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6682, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call

Washington relay service at 711, to request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>, email [sonja.larson@ecy.wa.gov](mailto:sonja.larson@ecy.wa.gov).

August 5, 2019  
Polly Zehm  
Deputy Director

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-010 Purpose.** The purpose of this chapter is to establish covered vessel and facility oil spill contingency plan requirements (Part II), drill and equipment verification requirements (Part III), primary response contractor, spill management team, and wildlife response service provider standards (Part IV), and recordkeeping and compliance information (Part V).

(1) The provisions of this chapter, when followed, should be implemented and construed so that they will:

(a) Maximize the effectiveness and timeliness of oil spill response by plan holders, spill management teams, wildlife response service providers, and primary response contractors;

(b) Ensure continual readiness, maintenance of equipment and training of personnel;

(c) Support coordination with state, federal, tribal and other contingency planning efforts;

(d) Provide for the protection of Washington waters, natural, cultural and significant economic resources by minimizing the impact of oil spills; and

(e) Provide the highest level of protection that can be met through the use of best achievable technology and those staffing levels, training procedures, and operational methods that constitute best achievable protection (BAP) as informed by the BAP five year review cycle (WAC 173-182-621) and as determined by ecology.

(2) The planning standards described in this chapter do not constitute clean-up standards that must be met by the holder of a contingency plan. Failure to remove a discharge within the time periods set out in this chapter does not constitute failure to comply with a contingency plan, for purposes of this chapter or for the purpose of imposing administrative, civil, or criminal penalties under any other law so that all reasonable efforts are made to do so. In a spill or drill, deployment of equipment and personnel shall be guided by safety considerations. The responsible party must take all actions necessary and appropriate to immediately collect and remove, contain, treat, burn and disperse oil entering waters of the state and address the entire volume of an actual spill regardless of the planning standards.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-015 Applicability.** (1) This chapter applies to owners and operators of onshore facilities, offshore facilities, and covered vessels required to submit oil spill contingency plans under chapters 90.56 and 88.46 RCW.

(2) This chapter applies to any person submitting a contingency plan on behalf of a covered vessel, multiple covered vessels, onshore facilities and offshore facilities, or any combination thereof.

(3) This chapter applies to response contractors that must be approved by ecology before they may serve as primary response contractors (PRCs) for a contingency plan.

(4) This chapter applies to spill management teams (SMTs) that must be approved by ecology as SMTs for a contingency plan.

(5) This chapter applies to wildlife response service providers (WRSPs) that must be approved by ecology as wildlife response service providers for a contingency plan.

(6) This chapter does not apply to public vessels as defined by this chapter, mobile facilities or to spill response vessels that are exclusively dedicated to spill response activities when operating on the waters of this state.

~~((5))~~ (7) Railroads are facilities for the purposes of contingency planning under RCW 90.56.210. Railroad contingency planning regulations are described in chapter 173-186 WAC.

**AMENDATORY SECTION** (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-020 Authority.** RCW 88.46.060, 88.46.0601, 88.46.068, 88.46.070, 88.46.080, 88.46.090, 88.46.100, 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060, 90.56.210, 90.56.2101, 90.56.240, 90.56.270, 90.56.275, 90.56.280, 90.56.310, 90.56.320, 90.56.340, and chapter 316, Laws of 2006, provide statutory authority for the contingency plan preparation and review requirements, drill and response contractor standards established by this chapter for onshore and offshore facilities and covered vessels.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-030 Definitions.** (1) "Aerial observer" means a trained observer that monitors, records and reports the spill characteristics including the shoreline impacts, area oiled, color, and thickness of the oil. Observers also provide data to the command post through the development of detailed maps of the area oiled and the resources in the field as well as other photographs, videos, or documents developed to support planning.

(2) "Aerial oil spill spotter" (spotter) means personnel trained to:

(a) Direct vessels to the heaviest concentrations of oil;

(b) Direct dispersant resources;

(c) Direct in situ burn resources; and

(d) Observe, document and report the effectiveness of response operations.

(3) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. Ecology's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(4) "Best achievable technology" means the technology that provides the greatest degree of protection. Ecology's determination of best achievable technology will take into consideration:

(a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development;

(b) Processes that are currently in use; and

(c) In determining what is best achievable technology, ecology shall consider the effectiveness, engineering feasibility, and the commercial availability of the technology.

(5) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection or recovery of oil that is discharged onto the surface of the water. Boom also includes the associated support equipment necessary for rapid deployment and anchoring appropriate for the operating environment. Boom will be classified using criteria found in the ASTM International F 1523-94 ~~((2007))~~ 2013 and ASTM International ~~((F-625-94 (reapproved 2006)))~~ ASTM F265/F625M-94 (2017), and the *Resource Typing Guidelines* found in the ~~((Western))~~ Worldwide Response Resource List (WRRL) user manual.

(6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons~~((s))~~ including, but not limited to, commercial fish processing vessels and freighters.

(8) "Cascade" means to bring in equipment and personnel to the spill location in a succession of stages, processes, operations, or units.

(9) "Contract or letter summarizing contract terms" means:

(a) A written contract between a plan holder and a primary response contractor, spill management team, wildlife response service provider, or other provider, or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or

(b) A letter that summarizes the contract terms: Identifies personnel, equipment and services capable of being provided by the primary response contractor, spill management team, wildlife response service provider, or other provider, within stipulated planning standard times; acknowledges that the primary response contractor or other provider commits the identified resources in the event of an oil spill.

(10) "Control point" means a location along the pipeline, or rail line, pre-identified as an initial control or containment strategy to minimize impacts of spilled oil. The objective of a control point may be to contain, collect, divert or exclude oil from further impacting sensitive environmental, economic or cultural resources. Control points are designed and maintained by plan holders.

(11) "Covered vessel" means a tank vessel, cargo vessel (including fishing and freight vessels), or passenger vessel required to participate in this chapter.

~~((H))~~ (12) "Dedicated" means equipment and personnel committed to oil spill response, containment, and cleanup that are not used for any other activity that would make it difficult or impossible for that equipment and personnel to provide oil spill response services in the time frames specified in this chapter.

~~((H2))~~ (13) "Demise charter" means that the owner gives possession of the ship to the charterer and the charterer hires its own master and crew.

~~((H3))~~ (14) "Director" means the director of the state of Washington department of ecology.

~~((H4))~~ (15) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((H5))~~ (16) "Dispersant" means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

~~((H6))~~ (17) "Ecology" means the state of Washington department of ecology.

~~((H7))~~ (18) "Effective daily recovery capacity~~((s))~~ (EDRC)" means the calculated capacity of oil recovery devices that accounts for limiting factors such as daylight, weather, sea state, and emulsified oil in the recovered material.

~~((H8))~~ (19) "Emergency response towing vessel" means a towing vessel stationed at Neah Bay that is available to respond to vessel emergencies upon call out under the contingency plan. The emergency response towing vessel shall be available to the owner or operator of the covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks Light, Vancouver Island, Canada.

~~((H9))~~ (20) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) Except as provided in (b) of this subsection, a facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~((H10))~~ (21) "Geographic Response Plans (GRP)" means response strategies published in the *Northwest Area Contingency Plan*.

~~((H11))~~ (22) "Gross tons" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

~~((22))~~ (23) "Incident command system (ICS)" means a standardized on-scene emergency management system specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

~~((23))~~ (24) "In situ burn" means a spill response tactic involving controlled on-site burning, with the aid of a specially designed fire containment boom and igniters.

~~((24))~~ (25) "Interim storage" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site.

~~((25))~~ (26) "Lower Columbia River" means the Columbia River waters west of Bonneville Dam.

~~((26))~~ (27) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, deployment and tabletop drills incorporating lessons learned, use of enhanced skimming techniques and other best achievable technology. In determining what the maximum extent practicable is, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

~~((27))~~ (28) "Mobilization" means the time it takes to get response resources readied for operation and ready to travel to the spill site or staging area.

~~((28))~~ (29) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~((29))~~ (30) "Nondedicated" means those response resources listed by a primary response contractor for oil spill response activities that are not dedicated response resources.

~~((30))~~ (31) "Nonpersistent or group 1 oil" means:

(a) A petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:

(i) At least fifty percent, by volume, distills at a temperature of 340°C (645°F); and

(ii) At least ninety-five percent, by volume, distills at a temperature of 370°C (700°F).

(b) A nonpetroleum oil with a specific gravity less than 0.8.

~~((31))~~ (32) "Nonpetroleum oil" means oil of any kind that is not petroleum-based(~~(s)~~) including, but not limited to: Biological oils such as fats and greases of animals and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

~~((32))~~ (33) "Northwest Area Contingency Plan (NWACP)" means the regional emergency response plan developed in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.

~~((33))~~ (34) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

~~((34))~~ (35) "Oil" or "oils" means oil of any kind that is liquid at twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 102(a) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

~~((35))~~ (36) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

~~((36))~~ (37) "Onshore facility" means any facility, as defined in subsection ~~((49))~~ (20) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

~~((37))~~ (38) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications ~~((will be))~~ are determined using criteria found in the ASTM Standard Practice for Classifying Water Bodies for Spill Control Systems ASTM International ~~((F-625-94 (reapproved 2006)))~~ ASTM F625/F625M-94 (2017).

~~((38))~~ (39) "Operational period" means the period of time scheduled for execution of a given set of operational actions as specified in the incident action plan. The operational period coincides with the completion of one planning cycle.

~~((39))~~ (40) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility;

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) Operator does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

~~((40))~~ (41) "Passenger vessel" means a ship of greater than three hundred gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

~~((41))~~ (42) "Passive recovery" means a tactic that uses absorbent material to mitigate impacts to shorelines.

~~((42))~~ (43) "Persistent oil" means:

(a) Petroleum-based oil that does not meet the distillation criteria for a nonpersistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60°F, as follows:

(i) Group 2 - Specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;

(ii) Group 3 - Specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;



(iii) Group 4 - Specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00; and

(iv) Group 5 - Specific gravity greater than 1.0000. API gravity equal to or less than 10.0.

(b) A nonpetroleum oil with a specific gravity of 0.8 or greater. These oils are further classified based on specific gravity as follows:

(i) Group 2 - Specific gravity equal to or greater than 0.8 and less than 0.85;

(ii) Group 3 - Specific gravity equal to or greater than 0.85 and less than 0.95;

(iii) Group 4 - Specific gravity equal to or greater than 0.95 and less than 1.0; or

(iv) Group 5 - Specific gravity equal to or greater than 1.0.

~~((43))~~ (44) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, or any other entity whatsoever.

~~((44))~~ "Control point" means a location along the pipeline, or rail line, pre-identified as an initial control or containment strategy to minimize impacts of spilled oil. The objective of a control point may be to contain, collect, divert or exclude oil from further impacting sensitive environmental, economic or cultural resources. Control points are designed and maintained by plan holders.)

(45) "Pipeline tank farm" means a facility that is linked to a pipeline but not linked to a vessel terminal.

(46) "Plan" means oil spill response, cleanup, and disposal contingency plan for the containment and cleanup of oil spills into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills as required by RCW 90.56.210 and 88.46.060.

(47) "Plan holder" means a person who submits and implements a contingency plan consistent with RCW 88.46.060 and 90.56.210 on the person's own behalf or on behalf of one or more persons. Where a plan is submitted on behalf of multiple persons, those covered under that plan are not considered plan holders for purposes of this chapter.

(48) "Planning standards" means goals and criteria that ecology will use to assess whether a plan holder is prepared to respond to the maximum extent practicable to a worst case spill. Ecology will use planning standards for reviewing oil spill contingency plans and evaluating drills.

(49) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(50) "Public vessel" means a vessel that is owned, or demise chartered, and is operated by the United States government, or a government of a foreign country, and is not engaged in commercial service.

(51) "Recovery system" means a skimming device, storage, work boats, boom, and associated material needed such as pumps, hoses, sorbents, etc., used collectively to maximize oil recovery.

(52) "Regional vessels of opportunity response group" means a group of nondedicated vessels participating in a ves-

sel of opportunity response system to respond when needed and available.

(53) "Resident" means the spill response resources are staged at a location within the described planning area.

(54) "Response zone" means a geographic area either along a length of a pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide, spill response capabilities. The size of the zone is determined by the operator while considering available capability, resources, and geographic characteristics.

(55) "Responsible party" means a person liable under RCW 90.56.370.

(56) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(57) "Shorelines of statewide significance" means those shorelines of statewide significance defined in the Shoreline Management Act (SMA), RCW 90.58.030.

(58) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(59) "Spill assessment" means determining product type, potential spill volume, environmental conditions including tides, currents, weather, river speed and initial trajectory as well as a safety assessment including air monitoring.

(60) "Spill management team (SMT)" means representatives and assigned personnel who are qualified and capable of integrating into an incident command system or unified command system and managing a spill. A company internal SMT is approved through the contingency plan and a contracted SMT is approved by ecology through the SMT application process and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(61) "Systems approach" means the infrastructure and support resources necessary to mobilize, transport, deploy, sustain, and support the equipment to meet the planning standards, including mobilization time, trained personnel, personnel call out mechanisms, vehicles, trailers, response vessels, cranes, boom, pumps, storage devices, etc.

~~((61))~~ (62) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

~~((62))~~ (63) "Technical manual" means a manual intended to be used as a planning document to support the evaluation of best achievable protection systems for potential response capability of plan holder owned and PRC dedicated and nondedicated equipment.

~~((63))~~ (64) "Transfer site" means a location where oil is moved in bulk on or over waters of the state to or from a covered vessel by means of pumping, gravitation, or displacement.

~~((64))~~ (65) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units

metering and delivery stations and fabricated assemblies therein, and breakout tanks.

~~((65))~~ (66) "Umbrella plan" means a single plan submitted on behalf of multiple covered vessels that is prepared by a nonprofit corporation.

~~((66))~~ (67) "Vessel terminal" means a facility that is located on marine or river waters and transfers oil to or from a tank vessel.

~~((67))~~ (68) "Vessels of opportunity response system" means nondedicated vessels and operating personnel, including fishing and other vessels, available to assist in spill response when necessary. The vessels of opportunity are under contract with and equipped by contingency plan holders to assist with oil spill response activities including, but not limited to, on-water oil recovery in the near shore environment, the placement of oil spill containment booms to protect sensitive habitats, and providing support of logistical or other tactical actions.

~~((68))~~ (69) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

~~((69))~~ (70) "Wildlife response service provider (WRSP)" means representatives and assigned personnel who are qualified and capable of assuming the responsibilities of the wildlife branch and managing the operational components of wildlife response activities during an oil spill coordinating with state, federal, tribal, and other response partners to initiate and conduct wildlife reconnaissance, deterrence, capture, stabilization, and rehabilitation operations as needed. A wildlife response service provider is approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approvable written agreement.

(71) "~~((Western))~~ Worldwide Response Resource List (WRRL)" means ~~((a regional))~~ an equipment list established and maintained by spill response equipment owners ~~((in the northwest area))~~.

~~((70))~~ (72) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions; or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(c) For a vessel, a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions; or

(d) For pipelines, the size of the worst case spill is dependent on the location of pump stations, key block valves, geographic considerations, response zones, or volume of the largest breakout tank. For each it is the largest volume determined from the following three different methods, complicated by adverse weather conditions:

(i) The pipeline's maximum time to detect the release, plus the maximum shutdown response time multiplied by the

maximum flow rate per hour, plus the largest line drainage volume after shutdown;

For planning purposes, the total time to detect the release and shutdown the pipeline should be based on historic discharge data or, in the absence of such historic data, the operator's best estimate. At a minimum the total time to detect and shut down the pipeline(~~(s)~~) must be equal to or greater than thirty minutes.

(ii) The maximum historic discharge from the pipeline; and

(iii) The largest single breakout tank or battery of breakout tanks within a single secondary containment system.

Each operator shall determine the worst case discharge and provide the methodology, including calculations, used to arrive at the volume in the contingency plan.

AMENDATORY SECTION (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-130 Phase in language for vessel and facility plan holders.** (1) This section applies to those plan holders who, on the effective date of this chapter, have approved or conditionally approved plans, ~~((and))~~ primary response contractors (PRC) with approved applications, and spill management teams (SMTs), and wildlife response service providers (WRSPs) that apply for ecology approval to be cited in contingency plans. Each update must contain all necessary content and meet the requirements of this chapter.

(2) ~~((For existing approved facility plan holders within six months after the effective date of this chapter, all facility plan holders must update their plans to comply with the following sections as applicable to the facility:~~

~~(a) Binding agreement (WAC 173-182-220).~~

~~(b) Contingency plan general content (WAC 173-182-230 (8)), claims procedures.~~

~~(c) Contingency plan general content (WAC 173-182-230 (4)(c)(i) through (v)), products handled.~~

~~(d) Facility spills to ground notifications (WAC 173-182-264).~~

~~(e) Planning standards for dispersants (WAC 173-182-325).~~

~~(f) Planning standard for Group 5 Oils (WAC 173-182-324).~~

~~(g) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.~~

(3) ~~For existing approved tank vessel plan holders and vessel umbrella plan holders, the following is required, as applicable to the plan holder:~~

~~(a) Within six months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:~~

~~(i) Binding agreement (WAC 173-182-220).~~

~~(ii) Contingency plan general content (WAC 173-182-230 (3)(b)(ii)).~~

~~(iii) Contingency plan general content (WAC 173-182-230 (5)(f) and (g)).~~

~~(iv) Contingency plan general content (WAC 173-182-230 (6)(a)(i) through (vii) and (7)).~~

~~(v) Contingency plan general content (WAC 173-182-230 (8)), claims procedures.~~

~~(vi) Aerial surveillance planning standard (WAC 173-182-321(2)), Additional surveillance assets.~~

~~(vii) Planning standard for dispersants (WAC 173-182-325).~~

~~(viii) Planning standard for Group 5 Oils (WAC 173-182-324).~~

~~(ix) Requirements for vessel umbrella plan holders maintaining additional agreements for supplemental resources (WAC 173-182-232).~~

~~(x) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.~~

~~(b) Within eighteen months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:~~

~~(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 1 – Cape Flattery/Straits of Juan De Fuca.~~

~~(ii) Aerial surveillance planning standard (WAC 173-182-321(1)), Helicopter/fixed wing.~~

~~(iii) Dedicated on-water storage (WAC 173-182-335), at least twenty-five percent of the total worst case discharge requirement.~~

~~(iv) San Juan County planning standard (WAC 173-182-370), four hour planning standard.~~

~~(v) Neah Bay staging area (WAC 173-182-395), four hour planning standard.~~

~~(vi) Covered vessel planning standard for shoreline cleanup (WAC 173-182-522).~~

~~(vii) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.~~

~~(c) Within thirty-six months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:~~

~~(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 2 – San Juan Islands/North Puget Sound.~~

~~(ii) Vessels of opportunity planning standard (WAC 173-182-317), Region 4 – Lower Columbia River.~~

~~(iii) Provide proposal for ecology review of the aerial surveillance planning standard (WAC 173-182-321(3)), Helicopter/fixed wing with forward looking infrared. Plan holder shall have an additional twelve months to have this asset staged and all plan updates finalized as applicable.~~

~~(iv) Covered vessel plan holder's technical manual requirement (WAC 173-182-349).~~

~~(v) Commencement Bay Quartermaster Harbor planning standard (WAC 173-182-380), four hour planning standard.~~

~~(vi) Cathlamet staging area (WAC 173-182-415), four hour planning standard.~~

~~(vii) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.~~

~~(d) Within forty-eight months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:~~

~~(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 6 – Grays Harbor.~~

~~(ii) Vessels of opportunity planning standard (WAC 173-182-317), Region 3 – South Puget Sound and Central Puget Sound.~~

~~(iii) Vessels of opportunity planning standard (WAC 173-182-317), Region 5 – Admiralty Inlet, Hood Canal and North Puget Sound.~~

~~(iv) Grays Harbor planning standard (WAC 173-182-450), four hour planning standard.~~

~~(v) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.~~

~~(4) Within eighteen months after the effective date of this chapter, all primary response contractors must update their applications to comply with the following section: Primary response contractor application content, submittal and review (WAC 173-182-810).~~

~~(5)) Within six months from rule effective date, SMTs and WRSPs shall begin to submit applications for review and approval in accordance with WAC 173-182-830, 173-182-840, and 173-182-850.~~

~~(3) Within twelve months from rule effective date, plan holders shall update their plans to comply with the following as applicable to the plan holder:~~

~~(a) Contingency plan general content (WAC 173-182-230 (3)(c)), contractor contact information.~~

~~(b) Spill management teams (WAC 173-182-280).~~

~~(c) Transfer sites for covered vessels at locations where transfers occur, and for facilities with a vessel terminal (WAC 173-182-355).~~

~~(d) Planning standards for shoreline cleanup (WAC 173-182-522).~~

~~(e) Binding agreement (WAC 173-182-220).~~

~~(f) Field document (WAC 173-182-240 (2)(b)), notification form.~~

~~(g) Type and frequency of drills (WAC 173-182-710(6)), commitment to participating in the multiplan holder drill.~~

~~(h) Planning standards for air monitoring to protect oil spill responders and the public (WAC 173-182-535).~~

~~(i) Planning standards for in situ burning (WAC 173-182-330).~~

~~(j) Planning standards for dispersants (WAC 173-182-325).~~

~~(k) Planning standard spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink (WAC 173-182-323).~~

~~(l) Planning standards for wildlife response (WAC 173-182-540 (2)(a), (c), and (d)).~~

~~(4) Within eighteen months from rule effective date, vessels enrolling under either an umbrella contingency plan or a multivessel contingency plan must ensure that their enrollment includes contracted access to a state approved SMT or in-house team which meets the requirements of WAC 173-182-280, 173-182-830, 173-182-840, and 173-182-850.~~

~~(5) Within eighteen months from rule effective date, plan holders must include details about benthic and seafloor resources at risk from nonfloating oil spills in accordance with requirements for response and protection strategies~~

under WAC 173-182-510. This requirement may be met by citing the geographic response plans which are developed as annexes to the northwest area contingency plan.

(6) Within twenty-four months of the effective date, plan holders shall meet the requirements for access to enhanced wildlife rehabilitation capability as described in WAC 173-182-540 (2)(b) and (c), Planning standards for wildlife response.

(7) To the extent to which plan holders rely on primary response contractor (PRC) applications to demonstrate compliance for plan holder planning standards, PRC applications must also be updated correspondingly.

(8) Each plan update will be given a thirty day public review and comment period. Ecology will approve, disapprove, or conditionally approve the plan update no later than sixty-five days from the update submittal date.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-150 Post-spill review and documentation procedures.** Plan holders are required to conduct post-spill review procedures to review both the effectiveness of the plan and make plan improvements. Debriefs with ecology and other participating agencies and organizations may be appropriate if ~~((a))~~ unified command has been established during a spill, and are required when significant plan updates are identified or significant lessons can be recorded and implemented.

**AMENDATORY SECTION** (Amending WSR 14-15-076, filed 7/16/14, effective 8/16/14)

**WAC 173-182-220 Binding agreement.** (1) Each plan shall contain a written statement binding the contingency plan ~~((holder))~~ submitter to its use. ~~((Form number ECY 070-217 may be used.))~~ The person(s) signing the agreement shall be authorized to make expenditures to implement the requirements in subsection (2) of this section. The binding agreement shall be signed by ~~((each of the following))~~:

~~((a) ((The plan holder, (b) the owner or operator, or a designee with authority to bind the owners and operators of the facilities or vessels covered by the plan.)) An authorized representative(s) of a nonprofit corporation established to provide oil spill contingency plan coverage;~~

(b) An authorized owner, or operator, or a designee with authority to bind the owners and operators of the facilities or vessels covered by the plan;

(c) An authorized resident agent of the vessel(s) submitting the plan;

(d) An authorized representative(s) of a company contracted to the vessel or facility and approved by ecology to provide containment and clean-up services.

(2) The binding agreement ~~((is))~~ must be submitted with the plan ~~((and with)).~~ Form number ECY 070-217 may be used. If an alternative form is used, it must include the name, address, phone number, ~~((and if appropriate the))~~ email address, and web site of the submitting party. ~~((2) In the statement, the signator will:))~~ In the binding agreement the signatory shall:

(a) Verify acceptance of the plan and commit to a safe and immediate response to spills and to substantial threats of spills that occur in, or could impact Washington waters or Washington's natural, cultural and economic resources;

(b) Commit to having an incident commander in the state within six hours after notification of a spill;

(c) Commit to the implementation and use of the plan during a spill and substantial threat of a spill, and to the training of personnel to implement the plan;

(d) Verify authority and capability to make necessary and appropriate expenditures in order to implement plan provisions; and

(e) Commit to working in unified command within the incident command system to ensure that all personnel and equipment resources necessary to the response will be called out to cleanup the spill safely and to the maximum extent practicable.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-230 Contingency plan general content.** (1) Contingency plans must include all of the content and meet all the requirements in this section.

(2) In Washington state, the NWACP serves as the state-wide master oil and hazardous substance contingency plan required by RCW 90.56.060. Plan holders shall write plans that refer to and are consistent with the NWACP.

(3) All contingency plans must include the following:

(a) Each plan shall state the federal or state requirements intended to be met by the plan.

(b) Each plan shall state the size of the worst case spill.

(i) For transmission pipelines, more than one worst case spill volume for different line sections or response zones on the entire pipeline may be submitted to ecology for consideration. The methods and calculations used to determine the worst case discharge volumes must be included in the plan.

(ii) For vessel umbrella plans that enroll both tank vessels and nontank covered vessels and that rely on supplemental resources for approval, specify the worst case discharge volume and product type for both tank and nontank covered vessels for each port covered by the contingency plan.

(iii) For multiple facilities using a single plan, separate worst case spill volumes are required for each facility.

(c) Each plan shall have a log sheet to record revisions and updates to the plan. The log sheet shall identify each section amended, including the date of the amendment, verification that ecology was notified and the name of the authorized person making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed as an amendment letter to be inserted in the plan immediately after the log sheet.

(d) Each plan shall have a cross-reference table reflecting the locations in the plan of each component required by this chapter.

(e) Each plan shall ~~((have the PRC's))~~ include contact information for any PRC, SMT, or WRSP contracted resources necessary to meet plan holder planning standards. Contact information must include the name, address, twenty-

four-hour phone number, or other means of contact at any time of the day.

(i) A contract or letter summarizing the terms of the contract signed by the PRC, SMT, or WRSP shall be included in the plan.

(ii) If the entire contract is not submitted, that document shall be available for inspection, if requested by the department.

(iii) For mutual aid agreements that a plan holder relies on to meet the planning standards, the plan shall include a copy of the agreement and describe the terms of that document in the plan.

(iv) If a plan holder relies on a PRC, SMT, or other contractor to staff ICS positions for the spill management team, then the commitment must be specified in writing.

(v) If the entire contract for additional spill management team support is not included in the plan, that document shall be made available for inspection, if requested by ecology.

(f) Each plan must contain the procedures to track and account for the entire volume of oil recovered and oily wastes generated and disposed of during spills. The responsible party must provide these records to ecology upon request.

(4) Additional facility plan content.

Facility plans shall include:

(a) The name, location, type and address of the facility;

(b) Starting date of operations;

(c) Description of the operations covered by the plan:

(i) List the oil handling operations that occur at the facility location.

(ii) Inventory all tanks and list the tank capacity.

(iii) All oil(s) or product(s) handled by name and include; density, gravity, API, oil group number, and sulfur content (sweet/sour).

(iv) Include a written description and map indicating site topography, stormwater and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations.

(v) A description of the geographic area that could be impacted from a spill at the location based on a forty-eight hour worst case spill trajectory analysis.

(vi) For pipelines, a narrative describing how the response zone was identified shall be submitted as part of the plan.

(5) Additional vessel plan content. Except as provided in subsections (6) and (7) of this section, vessel plans shall also include:

(a) Name of each vessel covered under the plan;

(b) The name, location, and address of the owner or operator;

(c) Official identification code or call sign;

(d) Country of registry;

(e) All ports of call or areas of expected operation in Washington waters;

(f) List all oil(s) or product(s) by name and include; density, gravity, API, oil group number, sulfur content (sweet/sour) and general ship capacity for amounts carried as cargo or fuel;

(g) Description of the operations covered by the plan; and

(h) A diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations.

(6) Plans covering multiple vessels with different owners shall also include the following:

(a) In lieu of providing vessels names, call signs and country of registry, plan holders shall maintain accurate enrollment or member lists with vessel specific information provided by covered vessels and shall provide ecology twenty-four hour access to the enrolled vessels list via the internet in a format acceptable to ecology. The list shall be updated daily, or at a minimum every three days. The list must at a minimum include the following:

(i) Vessel name;

(ii) Vessel type;

(iii) Worst case discharge oil type and quantity;

(iv) The name and API gravity of the densest oil being handled on the enrolled vessels;

(v) Qualified individual/spill management team;

(vi) Agent; and

(vii) Protection and indemnity (P&I) club.

(b) Plans covering multiple vessels shall include a list of the types of vessels and the typical oil types by group and volumes. In addition, vessel diagrams indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations shall be available for inspection by ecology. The procedure for the plan holder to acquire vessel diagrams needs to be documented in the plan.

(7) Umbrella plans shall list the name of the entities that provide supplemental equipment.

(8) Plans shall include concise procedures to establish a process to manage oil spill liability claims of damages to persons or property, public or private, for which a responsible party may be liable.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-240 Field document.** (1) Each plan shall contain a field document which lists time-critical information for the initial emergency phase of a spill and a substantial threat of a spill. The owner or operator of the covered vessel or facility shall make the field document available to personnel who participate in oil handling operations and shall keep the field document in key locations at facilities, docks, on vessels and in the plan. The locations where field documents are kept must be listed in the plan, provided that plan holders covering multiple persons shall not be subject to enforcement if the owner or operator of an enrolled vessel fails to keep the field documents in the location specified in the plan.

Plans covering multiple persons shall include procedures to ensure each vessel covered by the plan is provided the field document prior to entering Washington waters. This can include by electronic means.

(2) At a minimum, the field document shall contain:

(a) A list of the procedures to detect, assess and document the presence and size of a spill;

(b) Spill notification procedures (~~and~~), a call out list that meets the requirements in WAC 173-182-260 and 173-

182-262 or 173-182-264 as applicable, and a form to document notifications; and

(c) A checklist that identifies significant steps used to respond to a spill, listed in a logical progression of response activities.

**AMENDATORY SECTION** (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-250 Initial response actions.** (1) Plan holders and responsible parties are required to document their initial spill actions and the plan shall include the forms that will be used for such documentation.

(2) The plan shall describe what equipment will be used to conduct initial spill assessment, including equipment effective during darkness and low visibility conditions, such as visual methods, tracking buoys, trajectory modeling, aerial overflights, thermal or infrared imagery.

(3) The plan must state how safety assessment including initial air monitoring will be conducted for all types of spills, including spills to groundwater.

(4) The plan must list procedures that will be used to confirm the occurrence, and estimate the quantity and nature of the spill. An updated report is required if the initially reported estimated quantity or the ~~((area))~~ extent of the contamination changes significantly.

**AMENDATORY SECTION** (Amending WSR 14-15-076, filed 7/16/14, effective 8/16/14)

**WAC 173-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge.** (1) The owner or operator of a covered vessel must notify the state through the Washington emergency management division of a discharge or substantial threat of a discharge. Notification must be made within one hour of the discharge or substantial threat of a discharge, or as soon as is feasible without further endangering the vessel or personnel.

(2) Vessel discharge notifications are in addition and made subsequent to notifications that the owner or operator of a covered vessel must provide to the United States Coast Guard. Vessels enrolled in plans covering multiple vessels must notify the plan holder in addition to the state, unless the state has already been notified by the plan holder on behalf of the vessel owner or operator.

(3) Notification of the discharge or substantial threat of a discharge initiates activation of the plan. Upon notification, the vessel owner/operator will coordinate as appropriate with:

(a) The state of Washington and the United States Coast Guard to take any necessary actions to protect the public health, welfare, and natural resources of the state; and

(b) The plan holder for plan implementation as described in the plan.

(4) Notification procedures must be included in the plan.

(5) The substantial threat of a discharge may be determined or affected by the following conditions:

(a) Ship location and proximity to land or other navigational hazards;

(b) Weather;

(c) Tidal currents;

(d) Sea state;

(e) Traffic density;

(f) Condition of vessel; and

(g) Timing or likelihood of vessel repairs.

**AMENDATORY SECTION** (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state.** (1) Facility plans shall contain procedures for notifications for spills to ground and to permeable secondary containment that threaten to impact waters of the state.

(a) All spills are considered reportable spills except;

(i) Spills which are known to be less than forty-two gallons that do not impact surface or groundwater.

(ii) CERCLA releases.

(iii) On-facility air releases to the atmosphere only.

(iv) Releases from underground storage tanks regulated under chapter 173-360A WAC.

(v) Preexisting sources of releases identified as RCRA solid waste management units.

(vi) Spills contained within areas controlled by NPDES permitted systems that are not likely to threaten groundwater and do not exceed applicable federal reportable quantities.

(b) A spill is considered to have not impacted ground if it occurs on a paved surface such as asphalt or concrete. A spill to dirt or gravel is considered to have impacted ground and is reportable.

(2) Plan holders must also include procedures in their plan to address spills of an unknown volume. When addressing a spill of an unknown volume, plan holders shall use best professional judgment and may consider the following circumstances in determining when to make notifications:

(a) Whether the spill is ongoing; and

(b) Whether the spill is located in an area that is adjacent to waters of the state or where there is a pathway to waters of the state, and the environmental conditions, such as rain events, or known shallow groundwater make impacts to waters of the state likely.

**AMENDATORY SECTION** (Amending WSR 14-15-076, filed 7/16/14, effective 8/16/14)

**WAC 173-182-280 Spill management teams.** (1) Each plan shall contain information on the personnel (including contract personnel as applicable) who will be available to manage an oil spill response. To meet the requirement, the plan shall include:

(a) An organizational diagram depicting the chain of command for the spill management team for a worst case spill.

(b) For the purpose of ensuring depth of the spill management team, ~~((an organization list of one primary and one alternate person to lead each ICS spill management position down to the section chief and command staff level as depicted in the NWACP standard ICS organizational chart. In lieu of being placed in the plan, this list))~~ a table detailing the names of personnel to fill the following ICS roles or the name of the SMT contracted to fill the roles.

(i) Personnel may be listed a maximum of two times.

(ii) Personnel filling key roles do not need to be a resident in Washington state.

<u>ICS Position</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>
<u>Responsible Party Incident Commander</u>			
<u>Public Information Officer</u>			
<u>Liaison Officer</u>			
<u>Safety Officer</u>			
<u>Operations Section Chief</u>			
<u>Planning Section Chief</u>			
<u>Logistics Section Chief</u>			
<u>Finance Section Chief</u>			
<u>Wildlife Branch Director</u>			
<u>Air Operations Branch Director</u>			
<u>Situation Unit Leader</u>			
<u>Resources Unit Leader</u>			
<u>Documentation Unit Leader</u>			
<u>Environmental Unit Leader</u>			

Additional SMT rosters which detail greater position depth available to support the plan holder may be maintained at the plan holder's office and be made available to ecology upon request. If a primary response contractor, SMT, or WRSP is used to fill positions, they must have an approved application on file with the state and they must agree in writing, either through contract or other approvable means, to staff the positions. The capacity and depth of spill management teams will be evaluated in plan holder drills and spills.

(c) A job description for each spill management position (except if the plan holder follows without deviation the job descriptions contained in the NWACP), or a reference to the incident management handbook with position description. If the job descriptions are consistent with the NWACP, then the plan holder may reference the NWACP rather than repeat the information.

(d) A detailed description of the planning process which will be used to manage a spill or a reference to the incident management handbook with planning process descriptions and meeting agendas. If the process is consistent with the NWACP then the plan holder may reference the NWACP rather than repeat the information.

(2) The plan shall address the type and frequency of training that each individual listed in subsection (1)(b) of this section receives. The training program at a minimum shall include (as applicable) ICS, NWACP policies, use and location of GRPs, the contents of the plan and worker health and safety as applicable to the role. A combination of training and experience in drills and spills may be used to describe SMT personnel capabilities within response roles. The training program shall include participation in periodic announced and unannounced exercises and participation should approximate the actual roles and responsibilities of the individual specified in the plan. New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(3) The plan shall identify a primary and two alternate incident (commander's) commander representatives that

can form unified command at the initial command post, and ((if located out of state, a primary and alternate incident commander)) that could arrive ((at the initial command post)) in state within six hours.

(4) The plan shall include a narrative description of estimated time frames for arrival of the remainder of the spill management team ((to the spill site, or at the incident command post as appropriate)) in state.

~~((4))~~ (5) The plan shall list a process for orderly transitions of initial response staff to incoming local, regional or away team personnel, including transitions between shift changes.

~~((5))~~ (6) Plans covering multiple vessels must maintain a list of the spill management team(s) for each vessel enrolled under the plan, and must describe the transition process from plan personnel to the incoming vessel owner or operator's team. The plan must include checklists and documentation to facilitate an effective transition.

**AMENDATORY SECTION** (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-321 Covered vessel planning standards for aerial surveillance.** Covered vessels operating or transiting the lower Columbia River, Grays Harbor, Strait of Juan de Fuca, Puget Sound, or Washington coast, shall document the following aerial surveillance capability through the plan:

(1) Access to a helicopter or fixed wing, under contract or other approved means, that is appropriately located and could have arrived with a trained aerial oil spill spotter (spotter) to those planning standard areas plan holders operate or transit within six hours of spill notification. The contracted asset must have the following capability:

(a) Be capable of supporting oil spill containment and removal operations by providing oil spotting capability for at least ten hours per day during the initial seventy-two hours of an oil discharge.

(b) Have a trained spotter on board the aerial asset capable of acquiring, interpreting, recording and communicating oil location and other information to the command post or field operations at regular intervals. The spotter must be equipped with a high definition photographic or video capability and be able to collect and disseminate the following data about the environmental and operational picture including the location of the oil, environmental impacts, and spill resources on-scene:

- (i) Latitude and longitude of the location, impacts, or spill resources;
- (ii) Azimuth and altitude that the picture was taken;
- (iii) Bearing that the picture was taken;
- (iv) Estimated extent of oiling; and
- (v) Time and date.

(2) Plans must also include logistical sources of additional resources not under contract that may be utilized as additional spotting resources to maximize the effectiveness of enhanced skimming, or as resources to identify the extent of oil to inform shoreline clean-up and assessment teams and shoreline clean-up activities.

(3) In order to provide best achievable technology for aerial oil surveillance, vessel plan holders must also provide for access to a helicopter or fixed wing asset, under contract or other approved means, with the capability to provide a strategic picture of the overall spill; assist in location of slicks when they are not visible by persons operating at, or near, the water's surface or at night; extend the hours of clean-up operations to include darkness and poor visibility; and identify oceanographic and geographic features toward which oil may migrate.

(a) The aerial asset must be appropriately located and could have arrived with trained aerial observers to those planning standard areas plan holders operate or transit within twelve hours of spill notification.

(b) The aerial asset must be equipped with a suite of equipment that could support the capabilities described in this subsection. At least two remote sensing systems must be included in the suite and one of them must be a high definition mounted infrared (IR) camera designed to support aerial operations from aerial platforms. If the IR camera is not mounted, then plan holders must demonstrate how the handheld system will be effective from an aerial platform. Plan holders must submit for approval the systems included in the suite. For the IR camera, the following capability descriptions must be included in the submission:

- (i) IR camera with sensors capable in the thermal or mid-IR range;
- (ii) A sensor which provides high resolution for airborne imaging;
- (iii) Continuous optical zoom capability appropriate for use from an aerial platform;
- (iv) Tested minimum thermal resolution and/or the tested minimum resolvable temperature difference; and
- (v) Plan holders must submit for review and approval the systems included in the suite. Plan holders may submit for review and approval alternative testing data. This alternative proposal will be subject to a thirty-day public review and comment period which includes, but is not limited to, interested local and tribal governments and other stakeholders.

(c) The trained oil spill aerial observer on board could begin gathering the following from the scene of the spill once on-site:

- (i) Graphically displaying processed multispectral data (at a minimum displaying the IR and optical windows), photographic images and other information onto electronic marine charts creating high contrast composite images;
- (ii) Ability to reference a map image to a geographic location;
- (iii) Location extent and relative thickness information for a reported oil sheen or slick;
- (iv) Transmitting processed images and other information to the unified command primary command post;
- (v) Archiving all processed data and images; and
- (vi) Integrating spill images and other information with spill management software.

(4) Plan holders must have access to personnel trained in aerial surveillance and as spotters to direct skimmers into the thickest oil to enhance on-water recovery and to support the activities described above. The names of individuals with this training, their home base and training levels must either be

listed in the plan or made available to ecology upon request. At a minimum, personnel must be trained in aerial observation at the level set forth in federal regulations currently located at 33 C.F.R. 155.1050 (l)(2)(iii). A copy of this regulation is available through ecology upon request.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-324 Planning standards for ~~((Group 5 Oils))~~ spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink.** (1) Plan holders carrying, handling, storing, or transporting ~~((Group 5 Oils))~~ oils that may weather and sink when spilled to the environment must have a contract with a PRC that maintains the resources and/or capabilities necessary to respond to a spill of ~~((Group 5 Oils. Such equipment shall include, but is not limited to, the following:~~

- ~~(a) Sonar, sampling equipment or other methods to locate the oil on the bottom or suspended in the water column;~~
- ~~(b) Containment boom, sorbent boom, silt curtains, or other methods for containing the oil that may remain floating on the surface or to reduce spreading on the bottom;~~
- ~~(c) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline;~~
- ~~(d) Equipment necessary to assess the impact of such discharges; and~~
- ~~(e) Other appropriate equipment necessary to respond to a discharge involving the type of oil handled, stored, or transported.~~

~~(2) The equipment must be capable of being on scene within twelve hours of spill notification.)~~ nonfloating oils. Examples of these types of oils include, but are not limited to, crude oil, diluted bitumen, group V oils, low American Petroleum Institute oil, decant, asphalt, and asphalt products.

(2) The plan holder or contracted primary response contractor must have the necessary personnel and equipment capable within the time frames outlined in the table below:

<u>Time (hours)</u>	<u>Capability</u>
<u>1</u>	<u>Initiate an assessment and consultation regarding the potential for the spilled oil to submerge or sink.</u>
<u>6-12</u>	<u>Resources to detect and delineate the spilled oil such as side scan or multibeam sonar, divers, remotely operated vehicles, or other methods to locate the oil on the bottom or suspended in the water column could have arrived. Additionally, containment boom, sorbent boom, silt curtains, or other methods for containing the oil that may remain floating on the surface or to reduce spreading on the bottom could have arrived.</u>



Time (hours)	Capability
12-24	<p><u>Resources and equipment, such as sampling equipment, necessary to assess the impact of the spilled oil on the environment oil could have arrived.</u></p> <p><u>Dredges, submersible pumps, or other equipment necessary to recover oil from the bottom and shoreline could have arrived.</u></p>

(3) The contingency plan must detail the process for identifying if the oil handled has the potential to submerge or sink and include a description of the process for detecting, delineating, and recovering nonfloating oils in the areas that may be impacted. In lieu of including nonfloating oils response details in the contingency plan, plan holders may cite the nonfloating oils response tools found in the NWACP.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-325 Planning standards for dispersants.** (1) Plan holders (~~with vessels~~) carrying, handling, storing, or transporting Group 2 (~~(☉)~~), 3, or 4 persistent oil (~~as a primary cargo that transit~~) that is known to be dispersible and that may impact when spilled in any area where pre-approval or case-by-case use of dispersants is available as per the NWACP, must plan for the use of dispersants.

(2) The plan holder must identify the locations of dispersant stockpiles, and dispersant type, capable of dispersing the lesser of five percent of the worst case spill volume or twelve thousand barrels per day, using a dispersant to oil ratio of one to twenty.

(3) The plan holder must describe the methods of transporting equipment and supplies to a staging area, and appropriate aircraft or vessels to apply the dispersant and monitor its effectiveness.

(4) The plan holder must describe operational support capability, including the platforms and spotters used to deploy dispersants, monitor the operational efficacy of the dispersant application to support operational decision making, and ensure safety of response personnel.

(5) These resources must be capable of being on-scene within twelve hours of spill notification.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-330 Planning standards for in situ burning.** (1) Based on the NWACP in situ burning policy, plan holders operating in areas where in situ burning (~~has an expedited approval process must~~) may be considered as a response option shall plan for the use of in situ burning as appropriate to the oil types handled and operating environments covered under the plan.

(2) The plan holder must identify the locations of two fire booms, air monitoring equipment, personal protective equipment, igniters and aircraft or vessels, or other appropriate means to be used to deploy the igniters.

(3) The fire booms must be five hundred feet in length each and have an additional one thousand feet of conventional boom, tow bridles and work boats capable of towing the boom for on-water burning operations.

(4) The plan holder must describe the methods of transporting the equipment to a staging area, and appropriate aircraft (~~(☉)~~), vessels, and personnel resources to monitor its effectiveness at the scene of an oil discharge.

(5) These resources must be capable of being on-scene within twelve hours of spill notification.

AMENDATORY SECTION (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-345 Determining effectiveness of recovery systems.** Plan holders and PRCs that own equipment shall provide information for ecology to determine the effectiveness of the recovery systems and how the equipment meets the planning standards. To avoid duplication, plan holders relying upon a PRC to meet the necessary planning standards may reference the information submitted in the PRC's application, as approved by the department. Ecology will use the criteria in ASTM International F 1780-97 (reapproved (~~(2010)~~) 2018).

Determination of efficiency of recovery systems in varied operating environments and product types:

(1) For all skimmers, describe how the device is intended to be transported and deployed. List the boom and work boats associated with each water based skimming system. Identify the pumps and pumping capacity that will be used to transfer product to storage devices.

(2) For all oil recovery systems that rely on a vessel of opportunity or nondedicated transport asset, include a statement on how the asset would be located and secured. Include in the plan the mobilization time needed to ensure the assets are available, as well as the time needed to set up the oil recovery system, and the personnel that will be used in the operations. This may require longer mobilization time than those (~~found~~) described in this chapter.

AMENDATORY SECTION (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-348 Determining effective daily recovery capacity.** (1) Plan holders and PRCs that own recovery equipment shall request an EDRC using the following procedures and the criteria in Title 33 C.F.R. 155, Appendix B, Section 6, "Determining Effective Daily Recovery Capacity for Oil Recovery Devices."

(2) When calculating the EDRC, the formula  $R = T \times 24 \text{ hours} \times E$  will be used.

R = Effective daily recovery capacity

T = Throughput rate in barrels per hour (nameplate capacity)

E = 20 percent (efficiency factor).

(3) Equipment owners may request an alternative EDRC by providing all of the following information:

(a) A description of the recovery system which includes skimmer, boom, pump, work boats, and storage associated with the device;

(b) Description of deployment methods that will be used to enhance the recovery system to maximize oil encounter rate during spills;

(c) Documented performance during verified spill incidents; and

(d) Documentation of laboratory testing using ASTM standard methods (ASTM F 631-((89)) 15) or equivalent test approved by the U.S. Coast Guard.

(4) The following formula will be used to calculate the effective daily recovery capacity for this alternative approach:

$$R = D \times U$$

R = Effective daily recovery capacity

D = Average oil recovery throughput rate in barrels per hour

U = 10 (hours of operation). 10 hours is used for potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material.

EDRC is limited to the storage capacity of the proposed recovery system.

For each skimming system identify the oil storage associated with each recovery system. State the storage capacity integral to the oil recovery system, if applicable. Describe how recovered oil is to be transported to/from interim storage.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-349 Covered vessel plan holders technical manuals.** (1) Each covered vessel plan holder that operates or transits in the Neah Bay, Cathlamet, or San Juan Islands planning standard areas must provide a technical manual that includes all of the equipment appropriate for the operating environment that is necessary to meet the recovery and storage requirements, through the forty-eight hour time frame.

(2) The technical manuals will be used to inform the five year BAP cycle and support ecology's determination that the response systems, training levels, and staffing demonstrate best available protection.

(3) Plan holders must use a systems approach to identify the equipment, including WRRL identification or other unique identification numbers, that will be used to describe the response systems in the technical manual. For each recovery system described include the following:

(a) An operational picture or diagram of the recovery system, the EDRC for the system, and associated temporary storage;

(b) The infrastructure and support resources necessary for deployment;

(c) Associated vessels necessary to enhance the skimmer;

(d) At least three hundred feet of boom to enhance the skimmer or an alternative based on manufacturers recommendations;

(e) The mobilization time and home base for the equipment;

(f) The ownership or mechanism for accessing the equipment for example, under contract, subcontract or letter of intent to the plan holder or other approved means;

(g) If applicable, the ability of the recovery system to be used to support night operations;

(h) The minimum number of personnel necessary to deploy the equipment for a twelve hour shift and the training level of personnel appropriate to operate the equipment and carry out recovery;

(i) If alternative speeds are given for equipment associated with a recovery system the information should be included in the equipment description; and

(j) The oil type(s) the associated skimmer is optimized for.

(4) For the storage requirement include the following:

(a) An operational picture or diagram and capacity of the storage system;

(b) The infrastructure and support resources necessary for deployment;

(c) The mobilization time and home base for the equipment;

(d) The ownership or mechanism for accessing the equipment for example, under contract, subcontract, or letter of intent to the planholder or other approved means;

(e) The minimum number of personnel necessary to deploy the equipment for a twelve hour shift and the training level of personnel appropriate to operate the equipment;

(f) If applicable, the ability of the storage system to be used to support night operations;

(g) If alternative speeds are given for equipment associated with the storage device the information should be included in the equipment description.

(5) The technical manual is a standalone planning standard and is not intended to be used to demonstrate compliance with any other planning standards. Technical manuals are not intended to bind the use of any specific tactics during a drill or spill or to imply a guarantee of what will occur in a real spill event.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-350 Documenting compliance with the planning standards.** The plan holder shall describe how the planning standards found in this chapter are met.

(1) Each plan shall provide a spreadsheet on the resources intended to meet the planning standards as described in this chapter. This spreadsheet shall account for boom, recovery systems, storage, and personnel ((~~by type, quantity, home base and provider~~)).

(2) Ecology will analyze the planning standard spreadsheet provided to determine whether the plan holder has access to equipment and personnel necessary to meet the planning standards.

(3) For purposes of determining plan adequacy, plan holders will include time for notification and mobilization of equipment and personnel. The time needed for a resource to move to the spill site is the sum of the notification, mobilization, and travel times. For dedicated resources owned by the plan holder, the mobilization planning factor to be used by

the plan holder, PRC and ecology is thirty minutes. For all other dedicated response equipment the mobilization planning factor is one hour. Nondedicated resources shall have a mobilization planning factor of three hours or the time specified in the letter of intent, mutual aid agreement or contract.

(4) Equipment travel speeds shall be computed using a speed of thirty-five miles per hour for land and five knots for water. Ecology may use geographic information systems (GIS), standard nautical charts, street maps and available online mapping programs to determine the length of time it will take equipment to cover a given distance.

(5) Plan holders may request approval for alternative notification, mobilization, and travel time by providing documentation to justify the request, such as actual performance

during spills, drills, planned equipment moves, or unannounced drills.

(a) The request shall include date and time of performance or test, under average or typical weather/sea state conditions and transportation information.

(b) If ecology accepts these alternative response times, then these response times will be tested in training exercises, planned drills, unannounced drills, or spills to verify alternative calculations.

(c) If ecology grants plan holder or PRC owned response equipment an alternative mobilization, transit speed, recovery or storage volume, through the plan review process, and the alternative is not demonstrated to the satisfaction of the department during a drill or spill, it may result in disapproving the alternative.

**AMENDATORY SECTION** (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-355 Transfer sites for covered vessels at ((locations)) facilities where transfers occur, and for facilities with a vessel terminal.**

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
2	<u>A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived</u>		
4	<u>At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment</u>		
6	Additional 10,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	2 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	Additional 20,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-375 Padilla Bay planning standard.** Those covered vessel and facility plan holders that transit or operate north of State Highway 20, east of a line drawn from Shannon Point on Fidalgo Island to Kelly's Point on Guemes Island, south of a line drawn from Clark Point on Guemes Island and William Point on (~~Samish~~) Samish Island must meet the following standards. Some of the GRPs may be deployed by land.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1.5	A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments. Depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived on scene. At least 20% of the skimming capability must be able to work in shallow water environments. Depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

AMENDATORY SECTION (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-510 Requirements for response and protection strategies.** (1) Plan holders shall have methods to track and contain spilled oil and enhance the recovery and removal operations that are described in the plan.

(2) Each plan shall include a description of how environmental protection will be achieved, including:

(a) Protection of sensitive shoreline and island habitat by excluding, diverting, deflecting, collecting, or blocking oil movement;

(b)(i) The plan shall include a description of the sensitive areas and develop strategies to protect the resources, including information on natural resources, coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species, physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics(~~§~~). Identification of sensitive resources will not be limited to surface and shoreline species at risk from floating oil spills but will also include water column and benthic species at risk from sunken, submerged, or nonfloating oil spills.

(ii) Additional nonfloating oils considerations include identification of waterway depths, water density, sediment load, sea floor or river bottom types, and response options based on those factors.

(c) Identification of public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(d) Identification of shellfish resources and methods to protect those resources;

(e) Identification of significant economic resources to be protected in the geographic area covered by the plan; and

(f) Each facility with the potential to impact a "sole source" aquifer or public drinking water source must identify the types of substrate and geographical extent of sensitive sites.

(3) The GRPs have been developed to meet these requirements and plans may refer to the NWACP to meet these requirements. If approved GRPs do not exist in the NWACP, plan holders will work with ecology to determine alternative sensitive areas to protect.

(4) Each plan shall identify potential initial command post locations.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-522 ((Covered vessel)) Planning standards for shoreline cleanup.** (1) Each contingency plan shall include procedures for identifying shoreline types that could be impacted by an oil spill and procedures to determine appropriate response tactics for the potentially impacted shorelines during spills. The plan should describe contracted access to shoreline clean-up workers and shoreline clean-up equipment to ensure the following capability can plan to arrive within twenty-four hours of spill notification:

(a) Plan holders must have contracted access to one hundred trained shoreline clean-up workers. The shoreline clean-up workers must have appropriate safety and Hazwoper training and will not be counted towards other planning standards. The training should enable clean-up workers to safely perform clean-up actions under the direction of the supervisors and the work assignment as developed by the unified command.

(b) Plan holders must have contracted access to trained shoreline clean-up supervisors. Training for supervisors must include safety, Hazwoper, and relevant ICS courses. For planning purposes a ratio of 1:10 supervisors to clean-up workers should be available under contract to the plan holder. The shoreline clean-up supervisors will not be counted towards other planning standards. Supervisors must understand the ICS process and be able to direct workers consistent with the work assignments as developed by unified command.

(c) Plan holders shall have access to adequate equipment for passive recovery for three miles of shoreline on three tide lines. The plan must identify the staging location(s) of the shoreline clean-up equipment.

(d) The plan holder must have access to a shoreline clean-up mobile storage cache that can support eighty to one hundred shoreline clean-up workers with personal protective equipment, hand tools, and other logistical support for three to five days.

(2) Plan holders must describe how data collection, communications, data transmission and data management will be conducted.

(3) The plan shall describe how the plan holder will obtain additional resources necessary to support fourteen additional days of shoreline cleanup. The description should include vendor names, contact information, resources, and approximate time frames for resources to arrive at a staging area.

AMENDATORY SECTION (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-535 ((Pipeline)) Planning standards for air monitoring to protect oil spill responders and the public.** Plans will include a narrative description of applicable federal, state, and local requirements and the plan holder's resources for conducting air monitoring to protect oil spill responders and the public, including:

(1) A description of how initial site safety assessment for responders will occur;

(2) A description of how work area air monitoring will occur;

(3) A description of how community air monitoring (area wide monitoring) will occur;

(4) A description of air monitoring instruments and detection limits that will be used by responders when monitoring for public safety;

(5) A description of action levels for various oil constituents of concern based on products handled by the pipeline (benzene, H<sub>2</sub>S, etc.);

(6) A description of data management protocols and reporting time frames to the unified command;

(7) A description of communication methods to at-risk populations;

(8) A description of how evacuation zones and shelter-in-place criteria are established.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-540 Planning standards for wildlife ((rescue and rehabilitation)) response.** ~~((The plan shall identify applicable federal, state and NWACP requirements for wildlife rescue and rehabilitation, and describe the equipment, personnel, resource and strategies for compliance with the requirements. These resources shall have the capability to arrive on scene within twenty-four hours of spill notification.))~~ Plan holders must plan to respond to and care for wildlife injured or endangered by oil spills.

(1) The plan must include contact information for any PRC or WRSP, available under contract or other approvable means, and that maintain the required equipment, personnel, permits, materials, and supplies, for conducting wildlife response operations in accordance with the capabilities detailed below.

(2) The plan shall describe the equipment, personnel, and resources for wildlife response, including:

(a) Equipment and personnel that may be used to support an initial impact assessment and wildlife reconnaissance via air, land, or water in the spill area.

(b) Equipment and personnel for whale reconnaissance, if these animals may be present in the areas the plan holder operates or transits, including:

(i) Contact information for providers of aircraft capable of supporting aerial reconnaissance, and deterrence, beyond the immediate spill area to locate whales, including southern resident killer whales.

(ii) Contact information for persons or organizations that can identify southern resident killer whales from aerial observation and support field reconnaissance activities.

(c)(i) Equipment and personnel that may be used to deter the types of wildlife likely to be found within the areas where the plan holder operates or transits, including the types and staging locations of the deterrent equipment. This equipment must have the capability to arrive on-scene within twelve hours of spill notification.

(ii) Based on the areas the plan holder operates or transits, equipment and personnel to conduct monitoring and deterrence operations to prevent southern resident killer whales from encountering spilled oil. The plan shall include

contact information for a list of vessels, which may be whale watching vessels that have been vetted, trained, and equipped to support killer whale deterrent operations. The accuracy of the contact information will be verified in tabletop drills. The deployment capability will be tested in multiplan holder deployment drills.

(d) Equipment and supplies for mobile field stabilization activities, such as, conducting the initial health assessment and treatment of impacted wildlife prior to transport to an oiled wildlife rehabilitation facility. The mobile field stabilization asset must be enclosed, a minimum of one hundred eighty square feet, lighted and heated, and capable of arriving on-scene within twelve hours of spill notification.

(e) Wildlife rehabilitation facilities, space, and equipment suitable to conduct wildlife rehabilitation activities. Wildlife rehabilitation facilities shall meet the WDFW rehabilitation requirements detailed in WAC 220-450-100. The plan holder must have access under contract or other approvable means to wildlife rehabilitation spaces and necessary supporting supplies and equipment as described below. The facility spaces and equipment must have the capability to be strategically placed to support the response within twenty-four hours of spill notification. The facility space must meet the following minimum requirements:

(i) A minimum of two thousand four hundred square feet of space to house and treat wildlife. This space shall have the ability to be configured to support intake, prewash stabilization, wash/rinse, drying, and isolation/intensive care activities as needed. A minimum of four wash and rinse stations will have the ability to be located within this space.

(ii) A minimum of one thousand square feet of space to support rehabilitation activities. This space shall have the ability to be configured to support animal food preparation, medical lab, dry storage, morgue and necropsy areas.

(iii) Pools with a minimum of one thousand two hundred square feet of surface area are required. Pool dimensions will be such that no point in a pool will be greater than eight feet from a side. Pools will have the ability to be filled with freshwater to a minimum depth of three feet.

(iv) Access to laundry and cold/freezer storage capacity to support wildlife response. These spaces may be located offsite.

(v) Include a diagram of how the equipment could be configured and provide details about at least one strategic staging location for the rehabilitation facility.

(3) The plan holder shall have access to personnel that are appropriately trained to staff and manage the wildlife response within an incident command structure. At a minimum, one person that could be able to arrive in state within the first twelve hours of spill notification to coordinate with state, federal, tribal, and other response partners to initiate wildlife impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation operations as needed.

(4) The plan holder shall have access to personnel to conduct and manage the various field aspects of a wildlife response including impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation. At a minimum, two personnel that could have arrived within the first twelve hours of spill notification to support these activities. An additional seven personnel, for a total of nine that could

have arrived within twenty-four hours of spill notification to support these activities.

AMENDATORY SECTION (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-610 Plan evaluation criteria.** Plan holders shall prepare a plan that demonstrates capability, to the maximum extent practicable, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, up to and including worst case spills. Ecology will evaluate plans based on these conditions:

(1) Only ecology approved PRC resources, plan holder owned resources and resources guaranteed through contract, written mutual aid agreements, or letters of intent (~~(or agreement)~~) shall be counted when calculating the planning standards. In the case of nondedicated storage devices, these will be derated by fifty percent of maximum storage volume (counted at a one to two ratio) and acquisition of these resources will be tested in unannounced drills.

~~(2) ((If a plan holder operates in an area where more than one planning standard designation applies, ecology will determine the more stringent of planning standards.~~

~~(3))~~ Ecology will count equipment if it is appropriate for the operating environment within the geographic area defined in the plan. Ecology will use criteria from sources such as the ASTM International documents, World Catalogue, manufacturer's recommendations, the ~~((Regional))~~ Worldwide Response Resource List (WRRL), the federal Oil Spill Removal Organization guidelines, the *Field Operations Guide* resource typing guidelines and drills and spills to make approval and verification determinations on operating environments.

~~((4))~~ (3) Ecology will count boom if it is appropriate to the operating environment and support equipment is identified. Support equipment for boom means transportation devices, cranes, anchors, boom tackle, connectors, work boats and operators.

~~((5))~~ (4) Ecology will only count dedicated response resources towards the two hour standards.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-621 Oil spill contingency plan best achievable protection five-year review cycle.** (1) Ecology will review the planning standards at five-year intervals to ensure the maintenance of best achievable protection to respond to a worst case spill and provide for continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety.

(2) Ecology will adopt a five-year review cycle to ensure that the planning standards are updated to include proven new response technologies and response processes. In addition plan holders and other interested parties will be provided an opportunity to present information and proposals regarding spill prevention credits to support an alternative worst case discharge volume for the contingency plan. The review cycle is designed to evaluate BAP by assessing contributing elements including:

(a) Best achievable technology;

- (b) Staffing levels;
  - (c) Training procedures; and
  - (d) Operational methods.
- (3) The review cycle will be used to evaluate a variety of spill operations, tools, and technologies including, but not limited to, the following:
- (a) Advancing systems for the removal of oil from the surface of the water;
  - (b) Improving the performance of existing skimmer/boom and storage systems technology;
  - (c) Improving the performance of in situ burn and dispersants technology;
  - (d) Broadening the environmental conditions under which oil spill cleanup can take place;
  - (e) Ensuring that the technology is deployable and effective in a real world spill environment; ~~((and))~~
  - (f) Considering tools or technology that are designed, produced, and manufactured in an energy-efficient process and products are reusable, recyclable, and reduce waste; and
  - (g) Improving equipment and techniques associated with oiled wildlife response.
- (4) Ecology may use the following processes to inform and update the use of BAP in the planning standards by:
- (a) Convening an advisory committee(s) to assist ecology during the five-year review cycle and promote BAP.
  - (b) Evaluating the recovery systems identified in the technical manual during the five-year cycle to determine best achievable technology, and inform the development of future planning standards.
  - (c) Sponsoring a technology conference during the five-year cycle in cooperation with persons, organizations, and groups with interests and expertise in relevant technologies; or
  - (d) Conducting or reviewing studies, inquiries, surveys, or analyses appropriate to the consideration of new technologies, plan evaluation methods including EDRC, or best operational practices.
- (5) Ecology may prepare reports following either of the actions described in subsection (4) of this section. These reports will identify the new technologies, processes, techniques or operational practices that ecology considers to represent BAP.
- (6) Ecology will provide an opportunity for a thirty-day public review and comment period on ~~((the))~~ any draft reports.
- (7) Ecology will use the developed reports to update the contingency planning rule as necessary every five years.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-640 Process for public notice and opportunity for public review and comment period.** (1) The purpose of this section is to specify the procedures for notifying the public which includes interested local and tribal governments about contingency plan status and decisions in order to provide opportunities for the public to review and comment.

(2) In order to receive notification of the public review and comment period, interested public, local, and tribal gov-

ernments must sign up on the ecology email list (listserv) for posting notice about plan review and comment periods. Ecology's web site will also be used to post notice of public review and comment periods.

(3) Public comment periods must extend at least thirty days. Public notice, review, and comment periods are required in the following circumstances:

- (a) Plan submittals for facilities or vessels that have never submitted a plan in Washington;
  - (b) Plan updates required by WAC 173-182-130 (~~and 173-182-135~~);
  - (c) The submittal of plans for five-year review as required by WAC 173-182-120;
  - (d) Requests for an alternative planning standard in accordance with WAC 173-182-620;
  - (e) Plan holder requests for drill requirement waivers in accordance with WAC 173-182-740;
  - (f) PRC applications submitted under WAC 173-182-810;
  - (g) SMT and WRSP applications submitted under WAC 173-182-840; and
  - (h) Plan updates for permanent significant changes to approved plans as required in WAC 173-182-142.
- (4) Public notice, review, and comment period are not required in the following circumstances:
- (a) Routine updates to names, phone numbers, formatting, or forms that do not change the approved content of the plan;
  - (b) Plan updates to resubmit the binding agreement based on changes to the binding agreement signer; and
  - (c) Annual plan reviews that result in a letter to ecology confirming that the existing plan is still accurate.

**AMENDATORY SECTION** (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-700 Drill participation, scheduling and evaluation.** (1) Plan holders, spill management teams (SMTs), wildlife response service providers (WRSPs), and primary response contractors (PRCs) shall participate in a drill and equipment verification program for the purpose of ensuring that all contingency plan components function to provide, to the maximum extent practicable, prompt and proper removal of oil and minimization of damage from a variety of spill sizes. In Washington, a modified triennial cycle for drills, as found in the National Preparedness for Response Exercise Program (NPREP), is relied on to test each component of the plan.

(2) Plan holders and PRCs shall ensure ecology is provided an opportunity to help design and evaluate all tabletop and deployment drills for which the plan holder desires drill credit. To ensure this, plan holders shall schedule drills on the NWACP area exercise calendar. Scheduling requirements are noted in the table in WAC 173-182-710.

(3) Ecology shall mail a written drill evaluation report for drills to the plan holder following each deployment and tabletop drill. Credit will be granted for drill objectives that are successfully met.

(4) Objectives that are not successfully met shall be tested again and must be successfully demonstrated within

the triennial cycle, except that significant failures will be retested within thirty days.

(5) Where plan deficiencies have been identified in the written evaluation, plan holders may be required to make spe-

cific amendments to the plan or conduct additional trainings to address the deficiencies.

(6) A plan holder may request an informal review with ecology of the ecology drill evaluation within thirty days of receipt of the report.

AMENDATORY SECTION (Amending WSR 16-21-046, filed 10/12/16, effective 11/12/16)

**WAC 173-182-710 Type and frequency of drills.** The following drills shall be conducted within each triennial cycle.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
Tabletop drills	3 - One in each year of the cycle	One of the three shall involve a worst case discharge scenario. The worst case discharge scenario drill shall be conducted once every three years.	Must be scheduled at least 60 days in advance, except the worst case discharge scenario at least 90 days in advance.
Deployment drills	6 - Done two per year	These drills shall include, GRP deployments, testing of each type of equipment to demonstrating compliance with the planning standards.	Scheduled at least 30 days in advance. Except the tank vessel multiplan holder deployment drill which must be scheduled at least 60 days in advance.
Ecology initiated unannounced drills	As necessary	This drill may involve testing any component of the plan, including notification procedures, deployment of personnel, boom, recovery and storage equipment and <u>verification of ecology approved alternative vessel speeds.</u>	No notice.
ERTV Deployment Drill for covered vessels transiting the Strait of Juan de Fuca	1 - One in each three year cycle, this is an additional deployment drill unless it is incorporated into a large multiobjective deployment drill.  <u>Credit for this drill may be achieved from a call out of the tug to a vessel emergency.</u>	This drill may involve notifications and tug call out, communications safety, tug demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel and holding position within one hundred feet of another vessel.	Scheduled at least 30 days in advance.
Wildlife Deployment Drill	1 - One in each three year cycle. This is an additional drill ( <del>unless it is incorporated into a large multiobjective deployment drill</del> ).	This drill will be a deployment of wildlife equipment and wildlife ( <del>handlers</del> ) <u>response service provider personnel.</u>	Scheduled at least <del>((30))</del> <u>90</u> days in advance.
<del>((Tank vessel))</del> <u>Multiplan holder large scale equipment deployment drill</u>	1 - One in each three year cycle.	This drill may involve dedicated and nondedicated equipment, vessels of opportunity, multiple simultaneous tactics, <u>responses to potentially non-floating oils,</u> and the verification of operational readiness over multiple operational periods.	Scheduled at least <del>((60))</del> <u>90</u> days in advance.



(1) Tabletop drills: Tabletop drills are intended to demonstrate a plan holder's capability to manage a spill using the incident command system (ICS) and the spill management team described in the plan. Role playing shall be required in this drill. During all required tabletop drills plan holders must provide a master list of equipment and personnel identified to fill both command post and field operations roles. The master resources list must include:

(a) ~~((Western regional response))~~ Worldwide Response Resource List identification numbers for ~~((#H))~~ response resources; and

(b) Personnel names, affiliation, home base and command post or field role.

(2) Once during each three year cycle, the plan holder shall ensure that key members of the regional/national "away" team as identified in the plan shall be mobilized in state for a drill. However, at ecology's discretion, team members that are out-of-state may be evaluated in out-of-state tabletop drills if ecology has sufficient notice, an opportunity to participate in the drill planning process, and provided that the out-of-state drills are of similar scope and scale to what would have occurred in state. In this case, key away team members shall be mobilized in this state at least once every six years.

(3) Plan holders covering multiple vessels and ecology shall together design a systematic approach to, over time, involve all spill management teams identified in WAC 173-182-230 (6)(a) in tabletop and deployment drills as a best practice to demonstrate the preparedness of enrolled vessel members. These drills will be scheduled by the plan holder or unannounced to be conducted by ecology, at the discretion of ecology. These drills may test any plan components but at a minimum will include notification to the enrolled vessel qualified individual, coordination of supplemental resources under WAC 173-182-232 and the transition from the plan holder spill management team to the enrolled vessel company spill management team.

(4) Equipment deployment drills: Plan holders shall use deployment drills to demonstrate the actions they would take in a spill, including: Notifications, safety actions, environmental assessment, and response equipment deployment.

(a) During the triennial cycle, deployment drills shall include a combination of plan holder owned assets, contracted PRC assets, nondedicated assets, and vessels of opportunity.

(b) Plan holders should ensure that each type of dedicated equipment listed in the plan and personnel responsible for operating the equipment are tested during each triennial cycle. Plan holders must design drills that will demonstrate the ability to meet the planning standards, including recovery systems and system compatibility and the suitability of the system for the operating environment. Drills shall be conducted in all operating environments that the plan holder could impact from spills.

(c) At least twice during a triennial cycle, plan holders shall deploy a geographic response plan (GRP) strategy identified within the plan. If no GRPs exist for the operating area, plan holders will consult with ecology to determine alternative sensitive areas to protect.

~~((d) Plan holders may request credit for the prebooming of an oil transfer provided the transfer is scheduled as a deployment on the drill calendar. Such credit may only be requested once per triennial cycle.))~~

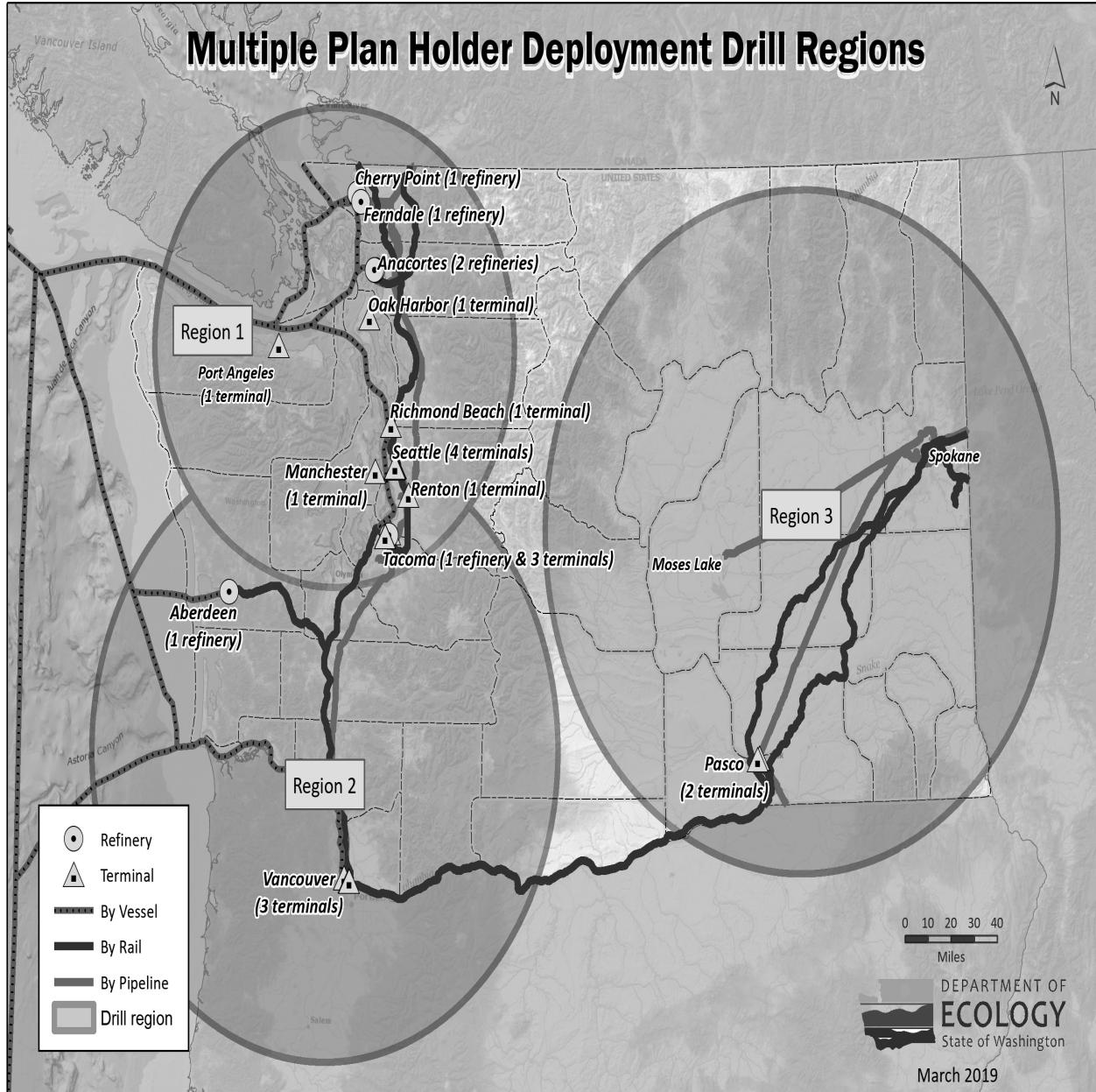
(5) Plan holders may receive credit for deployment drills conducted by PRCs if:

(a) The PRC is listed in the plan; and

(b) The plan holder operates in the area, schedules on the drill calendar, and participates in or observes the drill.

(6) Additional large-scale multiple ~~((tank vessel))~~ plan holder equipment deployment drill requirement. At least once every three years all ~~((tank vessel))~~ plan holders ~~((including plan holders that enroll multiple tank vessels.))~~ must participate in a multiple plan holder large scale equipment deployment exercise. This drill is a test of the functional ability for multiple contingency plans to be simultaneously activated in response to a spill. This drill may be incorporated into other drill requirements to avoid increasing the number of drills and equipment deployments otherwise required. The exercise location will be selected by ecology to ensure all plan holders have the opportunity to get credit based on the areas they operate or transit.

(a) The exercise will be called once in each of the three regions over the triennial cycle. All plan holders that operate or transit the region will receive credit.



(b) At least one plan holder (~~shall~~) may be the drill planning lead, participate in all the planning meetings, and observe the drill.

(c) This deployment may include the following objectives as applicable to the operating environment:

~~((a))~~ (i) Demonstration of dedicated and nondedicated equipment and trained contracted personnel;

~~((b))~~ (ii) Demonstration of contracted vessel of opportunity response systems and crew performing operations appropriate to the vessel capabilities;

~~((c))~~ (iii) Demonstration of multiple simultaneous tactics including:

~~((i))~~ (A) On-water recovery task forces made up of complete systems which demonstrate storage, recovery, and enhanced skimming;

~~((ii))~~ (B) Protection task forces which deploy multiple GRPs;

~~((iii))~~ (C) Vessel and personnel decontamination and disposal;

~~((iv))~~ (D) Deployment of contracted aerial assessment assets and aerial observers to direct skimming operations; ~~and~~

~~((v))~~ (E) Personnel and equipment identified for night operations (~~and~~);

(F) Equipment necessary to address situations where oils, depending on their qualities, weathering, environmental factors, and methods of discharge, may submerge and sink;

(G) Equipment and personnel to conduct monitoring and deterrence operations to prevent southern resident killer whales from encountering spilled oil; and

(H) Verification of the operational readiness during both the first six hours of a spill and over multiple operational periods.

(7) Additional deployment requirement for vessel plan holders with contracted access to the ERTV. Once every three years plan holders with contracted access to the ERTV must cosponsor a drill that includes deployment of the ERTV, unless ERTV drill credit has already been received under WAC 173-182-242 ~~((+)(e))~~ (2). This drill must be scheduled on the area exercise calendar. The drill shall include at a minimum:

- (a) Notifications and tug call out;
- (b) Safety and environmental assessment;
- (c) Demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel;
- (d) Demonstration of the capability to hold position within one hundred feet of another vessel; and

(e) Communications.

(8) Additional deployment requirement for all plan holders. Once every three years plan holders must deploy ~~((regional mobile))~~ wildlife rehabilitation equipment and personnel necessary to set up the wildlife rehabilitation system found in the plan. This is an additional deployment drill unless it is incorporated into a large multiobjective deployment drill.

(9) For all plan holders, ecology may initiate scheduled inspections and unannounced deployment and tabletop drills.

(a) In addition to the drills listed above, ecology will implement a systematic scheduled inspection and unannounced drill program to survey, assess, verify, inspect or deploy response equipment listed in the plan. This program will be conducted in a way so that no less than fifty percent of the resources will be confirmed during the first triennial cycle, and the remaining fifty percent during the subsequent triennial cycle.

(b) Unannounced drills may be initiated by ecology when specific problems are noted with individual plan holders, or randomly, to strategically ensure that all operating environments, personnel and equipment readiness have been adequately tested.

(c) Unannounced notification drills are designed to test the ability to follow the notification and call-out process in the plan.

(d) Immediately prior to the start of an unannounced deployment or tabletop drill, plan holders will be notified in writing of the drill objectives, expectations and scenario.

(e) Plan holders may request to be excused if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If the plan holder is excused, ecology will conduct an unannounced drill at a future time.

AMENDATORY SECTION (Amending WSR 06-20-035, filed 9/25/06, effective 10/26/06)

**WAC 173-182-730 Other ways to get drill credit.** (1) Plan holders may request drill credit for a response to an actual spill, provided that ecology has an opportunity to participate and evaluate the spill response. Credit from spills

shall not entirely alleviate the plan holder's responsibility to drill.

(a) Credit for a spill may be used to replace the requirement to conduct a drill once per triennial cycle.

(b) If credit for a spill is requested more than once per triennial cycle, it is at the discretion of ecology if additional drill credit will be granted. Additional credit may be granted if there were lessons learned from the spill or if key response components were successfully demonstrated.

(2) To obtain credit, a written request to ecology shall be made within sixty days of completion of the cleanup operations.

(a) The request shall include documentation supporting the components of WAC 173-182-720.

(b) Plan holders shall have up to ninety days to submit a lessons learned summary supporting the request for drill credit.

~~((2))~~ (3) Plan holders may request drill credit for out-of-state tabletop drills if:

(a) Ecology has been invited to attend the drill;

(b) Ecology has an opportunity to participate in the planning process for the drill. There shall be a meeting to discuss the scope and scale of the exercise, the drill objectives and the types of criteria for which Washington credit may be applicable;

(c) Documentation of the drill and self certification documentation shall be provided to ecology within thirty days of the drill;

(d) The plan holder has one response plan for a number of facilities or a fleet of vessels; and

(e) Plan holders seeking credit for a scheduled out-of-state drill shall notify ecology in writing ninety days in advance, to provide ecology an opportunity to participate.

**PART IV: PRIMARY RESPONSE CONTRACTOR (PRC), SPILL MANAGEMENT TEAM (SMT), AND WILDLIFE RESPONSE SERVICE PROVIDER (WRSP) STANDARDS**

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-800 Primary response contractor (PRC) application.** (1) To become a state-approved PRC, a response contractor must:

(a) Submit an application as set forth in ~~((subsection (2) of this section))~~ WAC 173-182-810;

(b) Have a process to provide twenty-four hour/day contact for spill response;

(c) Commit to begin mobilization efforts immediately upon notification but no later than one hour from notification of a spill;

(d) Maintain equipment in accordance with manufacturer specifications;

(e) Identify and train staff and supervisors expected to be deployed on oil spill response tactics or used to meet plan holder planning standards;

(f) Assist plan holders in meeting the requirements for plans and drills in Washington; and

(g) List response equipment on the (~~western regional response~~) Worldwide Response Resource List currently located at (~~www.wrri.us~~) www.wrri.world, or provide an equivalent electronic equipment list and commit to maintaining the equipment list in whatever format is provided.

(2) To apply, a contractor should complete, sign and submit the application form number ECY 070-216.

AMENDATORY SECTION (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-810 Content submittal and review of primary response contractor (PRC) applications.** The PRC application must contain the following information as applicable to the capabilities of the PRC:

(1) A list of primary response contractor personnel indicating whether they are full-time, part-time, or subcontracted including their homebase or office location, and the spill management team roles or tactical roles they may fill in a response.

(a) If personnel are available to the primary response contractor via subcontract a summary of the contract terms for personnel resources should be included in the application. The contract shall be made available to ecology upon request.

(b) A list of all staff training, including training of subcontractors if applicable, and a description of the frequency of essential core training response staff receive.

(c) The training program must be specific to the tactics the PRC intends to perform. Include in the application details about the following training areas as applicable:

- (i) Safety training;
  - (ii) Training on-site safety assessment;
  - (iii) Assessment of environmental conditions;
  - (iv) Determination that response equipment (~~(is)~~) and personnel protective equipment are appropriate for the incident conditions;
  - (v) Air monitoring equipment and documentation; and
  - (vi) Development of a hazard worksheet.
- (d) Additional training as necessary for personnel that may be relied upon to perform these tasks:
- (i) Conducting site safety briefings;
  - (ii) Use and deployment of limited visibility tracking devices;
  - (iii) Utilization and coordination of communications equipment;
  - (iv) Transfer of a product from skimmer to on-water and shoreside storage;
  - (v) Containment of a land spill from entering water by channeling, diverting, or berming;
  - (vi) Fast water river response strategies;
  - (vii) High current marine response strategies;
  - (viii) GRP or protection strategy familiarization and deployment;
  - (ix) Anchoring and setting boom;
  - (x) Familiarization and deployment of PRC owned oiled-wildlife rehabilitation equipment;
  - (xi) On water recovery including enhanced skimming;
  - (xii) Directing field resources;
  - (xiii) Incident command system training for spill management team roles.

(2) A list of all communication assets by type and location. The frequencies and geographical ranges must be included. This list must be maintained and if not included in the application made available to ecology upon request.

(3) A list of response equipment must be submitted electronically to ecology or via (~~western response resource~~) Worldwide Response Resource List, at (~~www.wrri.us~~) www.wrri.world, containing the following information:

(a) All equipment must be given a unique company identifier, and this identifier must be submitted on the list provided to ecology.

(b) Equipment must include the minimum number of personnel required to operate successfully for one shift.

(c) The location the equipment is stored using latitude/longitude in the WGS 1984 coordinate system. The coordinates must be in decimal degree format.

(d) The type of equipment, including manufacturer's name, manufacture date, model and specifications.

(e) For boom, list the length, manufacturer's name, model, size, and date of manufacture.

(f) For oil recovery devices state the manufacturer's name, model, EDRC or approved alternative, manufacture date, and operating environment.

(g) For temporary storage list the maximum capacity in barrels.

(h) For workboats list the vessel name and/or identifier, length, and vessel type, manufacturer, engine type(s) and horsepower.

(4) A detailed description of the vessel of opportunity program.

(5) A detailed description of other response technologies systems available such as in situ burn, bioremediants, and other chemical agents.

(6) A detailed description of any wildlife (~~rescue and rehabilitation~~) response resources. Include a list of contracts or agreements with any trained wildlife (~~rescue and rehabilitation~~) response personnel.

(7) A detailed description of equipment and personnel that would be used for shoreline cleanup. This should include a description of training resources for additional clean-up personnel.

(8) A list of agreements for access to shoreside storage. Include the owner, location, and general estimate of volume.

(9) A list of agreements for fixed wing and rotary aircraft used to support spill clean-up operations.

(10) A detailed description of remote sensing equipment and aerial surveillance resources and personnel that the primary response contractor has under contract or letter of intent that could be used to detect and track the extent and movement of oil or direct on-water recovery operations.

(11) Once an application is received, ecology will determine whether it is complete. If not, the response contractor shall be notified of deficiencies in writing and given a time period for submitting the required information.

(12) Equipment and personnel readiness will be verified once the application is approved. Ecology may inspect equipment, training records, maintenance records, drill records, and may request a test of the call-out procedures, and require operation of each type of equipment listed in the application. These inspections may be conducted at any/all equipment

locations. Any resources not on-site at the time of an inspection shall be accounted for by company records.

(13) If the application is approved and the verification is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration dates and EDRC of the recovery equipment. PRC approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.

(14) Once the PRC application is approved, the PRC must certify in writing on a quarterly basis that the list of equipment the contractor maintains in their application or on the WRRL is accurate. Any contractor that doesn't maintain their list on the WRRL, must resubmit their electronic list on a quarterly basis.

(15) Notification by facsimile or email will be considered written notice.

(16) Failure to certify the accuracy of the equipment list on a quarterly basis may result in the loss of PRC approval.

(17) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(18) Approval of a response contractor by ecology does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

**AMENDATORY SECTION** (Amending WSR 13-01-054, filed 12/14/12, effective 1/14/13)

**WAC 173-182-820 Significant changes to primary response contractor (PRC) applications require notification.** (1) The PRC is responsible to provide written notification to ecology and all plan holders to whom they are obligated, within twenty-four hours, of any significant change in the information reported in the approved application. The notice shall include the identification of back up resources sufficient to maintain the PRC readiness level, and the estimated date that the original equipment shall be back in full service.

(2) Changes which are considered significant include:

(a) Loss of equipment that results in being out of compliance with any planning standard of any plan holder covered by the PRC;

(b) Transfers of equipment to support spill response for out-of-region spills;

(c) If greater than ten percent of available boom, storage, recovery, dispersants, in situ burn or shoreline clean-up equipment is moved out of the home base, except for a drill or training, as depicted on the WRRL;

(d) Permanent loss of primary response contractor personnel identified to fill ICS positions for plan holders;

(e) Changes in equipment ownership if used to satisfy a plan holder planning standard; or

(f) Modification or discontinuing of any mutual aid, letter of intent, or contract agreement.

(3) Notification by ((~~facsimile or~~)) email will be considered written notice.

(4) Failure to report changes could result in the loss of PRC approval.

(5) If ecology determines that PRC approval conditions found in WAC 173-182-800 are no longer met, approval may be revoked. The PRC will receive a written notice of the loss of approval and a time period to either appeal or correct the deficiency.

(6) Ecology will immediately notify plan holders of changes in the approval status of PRCs or significant changes in PRC capability.

#### NEW SECTION

**WAC 173-182-830 Spill management team (SMT) and wildlife response service provider (WRSP) application requirements.** Requirements to become a state-approved spill management team or wildlife response service provider, including:

(1) Submission of an application as set forth in WAC 173-182-840;

(2) Have a process to provide twenty-four-hour/day contact for spill management;

(3) Commit to begin mobilization efforts immediately upon notification but no later than two hours from notification of a spill;

(4) Commit to ensuring the incident commander is able to arrive in the state within six hours after notification of a spill, if the SMT is contracted to fill the role;

(5) Assist plan holders in meeting the requirements for plans and drills in Washington;

(6) Commit to the implementation and use of the contingency plan(s) to which they are contracted during a spill and substantial threat of a spill, and to the training of personnel to implement the plan;

(7) Commit to working in unified command within the incident command system to ensure that all personnel and equipment resources necessary to the response will be called out to cleanup the spill safely and to the maximum extent practicable.

#### NEW SECTION

**WAC 173-182-840 Content submittal and review of spill management team (SMT) and wildlife response service provider (WRSP) applications.** The application must contain the following information as applicable to the capabilities of the SMT or WRSP:

(1) A list of personnel indicating whether they are full-time or part-time, dedicated, or nondedicated, including their home base or office location, and the roles they may fill in a response.

(a) Dedicated means either a full- or part-time employee of the organization.

(b) Nondedicated means any personnel resource available under contract, LOI, or other approvable means. Nondedicated relationships shall be verified by ecology during the application review process.

(2) An ICS Form 207 organizational diagram depicting a potential staffing plan for the roles the SMT or WRSP may fill in support of a worst case spill.

(3) A description of the twenty-four hour call-out process and estimated time frames for arrival in state. The description of the personnel response times (arrival) is based

on the standby or call back status of the person, their home base, and travel time.

(4) A list of staff training by position, and a description of the frequency of training staff receive.

(a) The training program must be position specific for the roles that may be filled by the SMT or WRSP.

(b) The training program must include at a minimum, training on ICS, NWACP plan policies and response tools, use and location of GRPs, the contents of the contingency plan, and worker health and safety, as appropriate to the role.

(c) A combination of training and experience in drills and spills may be used to describe SMT personnel capabilities within response roles.

(d) New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(5) Wildlife response service providers must also include a detailed description of the types of wildlife response activities that may be provided, such as initial wildlife assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation. Any other capabilities and personnel resources shall also be detailed in the application including:

(a)(i) Identification of personnel that hold wildlife rehabilitation permits with oiled wildlife endorsements.

(ii) A copy of the permit shall be submitted with the application, or a statement indicating that the permit will be made available to ecology for review upon request.

(b) Identification of personnel capable of filling the wildlife branch director role or other command post support roles.

(c) Identification of wildlife operations field staff to conduct and manage the various field aspects of a wildlife response including reconnaissance, deterrence, recovery, stabilization, and rehabilitation.

(d) Specific training relevant to key wildlife response roles and capabilities the wildlife contractor may support and a detailed position specific training plan. A combination of training and experience in drills and spills may be used to describe personnel capabilities within response roles.

(6) Once an application is received, ecology will determine whether it is complete. If the application is not complete, the SMT or WRSP shall be notified of deficiencies in writing and given a time period for submitting the required information.

(7) Ecology shall inspect employee training records and conduct a test of the SMT or WRSP call-out procedures.

(8) If the verification is satisfactory and the application is approved, the SMT or WRSP shall receive a letter of approval describing the terms of approval, including expiration dates.

(9) Application approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.

(10) If the application is not approved, the SMT or WRSP shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(11) Approval by ecology does not constitute an express assurance regarding the adequacy of the SMT or WRSP nor constitute a defense to liability imposed under state law.

#### NEW SECTION

**WAC 173-182-850 Significant changes in spill management team (SMT) or wildlife response service provider (WRSP) applications require notification.** (1) The SMT or WRSP is responsible to provide written notification to ecology and all plan holders to whom they are obligated, within twenty-four hours, of any significant change in the information reported in the approved application.

(2) Changes which are considered significant include:

(a) Permanent loss of personnel identified to fill ICS positions for plan holders;

(b) Modification or discontinuing of any mutual aid, letter of intent, or contract agreement;

(c) Change in personnel availability due to personnel being out of their regular homeport or office location to support a spill response.

(3) Notification by email will be considered written notice.

(4) Failure to report changes could result in the loss of approval.

(5) If ecology determines that application approval conditions found in WAC 173-182-840 are no longer met, approval may be revoked. The SMT or WRSP will receive a written notice of the loss of approval and a time period to either appeal or correct the deficiency.

(6) Ecology will immediately notify plan holders of changes in the approval status of the application or significant changes in SMT or WRSP capability.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-182-135 Phase in language for pipeline plan holders.

WAC 173-182-323 Planning standards for pipelines carrying crude oil.

WAC 173-182-520 Facility planning standards for shoreline cleanup.

#### **WSR 19-16-148**

#### **PROPOSED RULES**

#### **DEPARTMENT OF HEALTH**

[Filed August 7, 2019, 9:15 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 246-71-010 Definitions, 246-71-020 Adding qualifying patients and designated providers to the database, 246-71-030 Renewing qualifying patients and designated providers in the database, and 246-71-040 Requirements for recognition cards. Proposed amendments will implement the new law under ESHB 1094, passed during the 2019 legislative

session, which establishes compassionate care renewals for qualifying patients who use marijuana for medical purposes.

Hearing Location(s): On September 17, 2019, at 10:30 a.m., at Point Plaza East, 310 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: September 24, 2019.

Submit Written Comments to: Shelly Rowden, Health Systems Quality Assurance, Medical Marijuana Program, P.O. Box 47850, Olympia, WA 98501, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by September 4, 2019.

Assistance for Persons with Disabilities: Contact Shelly Rowden, phone 360-236-2820, TTY 360-833-6388 or 711, email [medicalmarijuana@doh.wa.gov](mailto:medicalmarijuana@doh.wa.gov), by September 4, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: During the 2019 legislative session, the legislature passed ESHB 1094 which establishes compassionate care renewals for patients who may experience severe physical or emotional hardship if required to attend an in-person physical examination for the purpose of renewing their medical marijuana authorization. Additionally, patients who have been determined by their health care professional to qualify for a compassionate care renewal are exempt from being physically present during registration renewal in the medical marijuana authorization database. The proposed amendments will align existing rules with the law as established by ESHB 1094.

Reasons Supporting Proposal: Current rules support previous law which required an in-person physical examination for an authorization renewal and a photograph of the qualifying patient's or designated provider's face taken by an employee of the marijuana retailer with a medical marijuana endorsement at the same time that the qualifying patient or designated provider is being placed in the medical marijuana authorization database under RCW 69.51A.230. Proposed amendments will implement the new law making exception for patients who are compassionate care renewal eligible.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 69.51A.230 and ESHB 1094 (chapter 203, Laws of 2019).

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, Implementation, and Enforcement: Shelly Rowden, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2820.

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)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

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 rule content is explicitly and specifically dictated by statute.

August 6, 2019

Jessica Todorovich

Chief of Staff

for John Wiesman, DrPH, MPH

Secretary

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a form developed by the department that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper approved by the Washington pharmacy quality assurance commission.

(2) "Compassionate care renewal" means a renewal of an authorization by a health care practitioner through the use of telemedicine if the health care practitioner determines that requiring the qualifying patient to attend an in-person physical examination would likely result in severe hardship to the qualifying patient because of the qualifying patient's physical or emotional condition. A compassionate care renewal of a qualifying patient's registration and recognition card also allows the qualifying patient's designated provider to renew the qualifying patient's registration in the database and recognition card without the qualifying patient being physically present at a retailer and without a new photograph being taken.

(3) "Consultant" means a person who holds a valid medical marijuana consultant certificate issued by the secretary under chapter 246-72 WAC and who is employed by a retail outlet with a medical marijuana endorsement.

~~((3))~~ (4) "Credential for access" or "credentials" means information, electronic device, or certificate provided by the department or the department's designee to a data requestor to electronically access the database. The authentication may include, but is not limited to, a user name, password, or an identification electronic device or certificate.

~~((4))~~ (5) "Database" means the medical marijuana authorization database established under RCW 69.51A.230.

~~((5))~~ (6) "Department" means the Washington state department of health.

~~((6))~~ (7) "Designated provider" has the same meaning as RCW 69.51A.010(4).

~~((7))~~ (8) "Dispenser" means a person authorized to dispense controlled substances other than marijuana under chapter 69.50 RCW.

~~((8))~~ (9) "Health care practitioner" or "authorizing health care practitioner," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physician's assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

~~((9))~~ (10) "Official" means an official of a local, state, tribal, or federal law enforcement or prosecutorial agency.

~~((10))~~ (11) "Prescriber" means a person authorized to prescribe or dispense controlled substances other than marijuana under chapter 69.50 RCW.

~~((11))~~ (12) "Qualifying patient" or "patient" has the same meaning as RCW 69.51A.010(19).

~~((12))~~ (13) "Recognition card" means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

~~((13))~~ (14) "Retail outlet with a medical marijuana endorsement" or "endorsed outlet" means a location licensed by the WSLCB under RCW 69.50.325 for the retail sale of usable marijuana and marijuana-infused products to the public, and under RCW 69.50.375 to qualifying patients and designated providers for medical use.

~~((14))~~ (15) "Telemedicine" has the same meaning as the definition of that term adopted by the authorizing health care practitioner's disciplining authority, whether defined in rule or policy.

(16) "Valid photographic identification" means:

(a) A driver's license or instruction permit issued by any state of the United States or province of Canada. If the patient's driver's license has expired, the patient must also show a valid temporary driver's license with the expired card.

(b) A state identification card issued by any state of the United States or province of Canada.

(c) An official passport issued by any nation.

(d) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(e) A merchant marine identification card issued by the United States Coast Guard.

(f) An enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses.

A recognition card, whether current or expired, does not qualify as valid photographic identification.

~~((15))~~ (17) "Vendor" means the third-party administrator with whom the department has contracted to operate the database.

~~((16))~~ (18) "WSCLB" means the Washington state liquor and cannabis board.

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

**WAC 246-71-020 Adding qualifying patients and designated providers to the database.** A qualifying patient or designated provider may take their authorization to an endorsed outlet to be entered into the database.

(1) Only a consultant employed by an endorsed outlet is allowed to enter a qualifying patient's or designated provider's information into the database.

(2) Consultants must register with the department to receive credentials to access the database. The process for registration will be established by the department.

(3) The department shall verify the consultant's identity and certificate status before providing credentials to access the database.

(4) The consultant shall access the database using the credentials issued by the department or the department's designee. If the credentials are lost or missing, or the security of the credentials is compromised, the consultant shall notify the department by telephone and in writing within one business day.

(5) The consultant shall ensure that the authorization form provided is valid, complete, unaltered, and meets all requirements specified in RCW 69.51A.030 and complies with the instructions on the form. "Street address" on the authorization form means the physical address for the person's residence where plants may be grown under RCW 69.51A.210. If any requirement is not met, or the form is altered or incomplete, the person cannot be entered into the database.

(6) The consultant shall verify the identity of every patient age eighteen and older and every designated provider by inspecting the patient's or designated provider's valid photographic identification. Except for patients under the age of eighteen, or qualifying patients renewing under a compassionate care renewal as authorized in RCW 69.51A.030, a person cannot be entered into the database without valid photographic identification.

(7) In the event of an inexact match of names on the identification and the authorization, the consultant shall ensure that the patient or designated provider named on the authorization form is the same person presenting the authorization for entry into the database.

(8) The consultant shall check the database to ensure that a designated provider is not currently associated with a different patient in the database before associating the designated provider with a new patient in the database. If a designated provider is still associated with a different patient, the consultant cannot enter the designated provider into the database as associated with the new patient.

(9) The consultant shall enter the following information into the database for each patient and designated provider (unless specified below):

(a) The type of valid photographic identification verified and the unique number from the identification;

(b) Full legal name, as it appears on the valid photographic identification, including first name, middle initial, last name, and generational suffixes, if any;

(c) Date of birth;

(d) Actual physical address if different from the address on the identification;

(e) Gender;

(f) Name of the authorizing health care practitioner;

(g) Authorizing health care practitioner's full license number;

(h) Business address of the authorizing health care practitioner;

(i) Telephone number of the authorizing health care practitioner, as listed on the authorization form;

(j) The patient's qualifying condition(s);

(k) For the designated provider only, the patient the designated provider is authorized to assist;



- (l) The date the authorization was issued;
- (m) The date the authorization expires; and
- (n) The number of plants the patient is allowed to grow.

If the authorizing health care practitioner does not indicate a specific number, the presumptive number is six plants. The health care practitioner cannot authorize more than fifteen plants. An authorization for more than fifteen plants is invalid.

(10) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-030 Renewing qualifying patients and designated providers in the database.** (1) Recognition cards expire on the expiration date indicated on the patient's or designated provider's authorization. To be valid, an authorization must expire no later than:

- (a) Twelve months after the date it was issued for patients age eighteen and over;
- (b) Twelve months after the date it was issued for designated providers; or
- (c) Six months after the date it was issued for patients under the age of eighteen.

(2) To renew a recognition card a patient or designated provider must receive a new authorization following reexamination of the patient by a health care practitioner in-person or as authorized for compassionate care renewals as provided in RCW 69.51A.030. The qualifying patient or designated provider may take their new authorization to an endorsed outlet to be entered into the database.

(3) A qualifying patient's designated provider may renew the patient's registration and recognition card in the medical marijuana authorization database without the physical presence of the qualifying patient at the retailer if the authorization from the health care practitioner indicates that the qualifying patient qualifies for a compassionate care renewal as provided in RCW 69.51A.030. A qualifying patient receiving renewals under compassionate care renewal provisions is exempt from the requirement for a new photograph for the renewal.

(4) The procedures in WAC 246-71-020 must be used to enter the patient's or designated provider's new authorization into the database.

~~((4))~~ (5) The consultant shall ensure that the information required by WAC 246-71-020(9) is updated and accurate at the time of renewal.

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

**WAC 246-71-040 Requirements for recognition cards.** (1) An endorsed outlet must have the following equipment readily available and maintained in good working order:

- (a) A computer with internet access and capability of running a supported version of a common web browser;
- (b) A digital camera with at least 10 megapixel resolution;

(c) A standard color printer able to print at least 300 dots per inch;

(d) A laminator; and

(e) A solid white, off-white, or light blue backdrop that is free of patterns, objects or textures, to use as the background for each picture.

(2) When issuing a recognition card to a qualifying patient or designated provider, an endorsed outlet must comply with the following requirements:

(a) Only a consultant employed by the endorsed outlet is allowed to print and create a card;

(b) The consultant shall take a picture of the face of the patient or designated provider at the same time they are entered into the database following the process specified by the department~~((:))~~. Compassionate care renewals will use the qualifying patient's existing photograph and information retained securely in the database to generate a new recognition card for the patient. The endorsed outlet shall not otherwise retain or use the photograph or patient information for any purpose other than:

(i) Entering a qualifying patient or designated provider into the database;

(ii) Issuing a replacement card under WAC 246-71-120;

or

(iii) Issuing a compassionate care renewal.

(c) The consultant shall create, print the card in full color, permanently laminate the card using a heat process, and issue it to the patient or designated provider following the process specified by the department; and

(d) The consultant shall return the authorization to the patient or designated provider. The endorsed outlet shall not retain a copy of the authorization.

(3) The database vendor shall ensure recognition cards contain the following:

(a) A randomly generated and unique identification number;

(b) The name of the patient or designated provider;

(c) For designated providers, the unique identification number of the patient they are assisting;

(d) A photograph of the patient or designated provider;

(e) The amounts of marijuana concentrates, usable marijuana, or marijuana-infused products the patient or designated provider is authorized to purchase or obtain at an endorsed outlet;

(f) The number of plants the patient or designated provider is authorized to grow;

(g) The effective date and expiration date of the card;

(h) The name of the health care professional who issued the authorization; and

(i) Additional security features required by the department to ensure the validity of the card.

## WSR 19-16-154

### PROPOSED RULES

### BUILDING CODE COUNCIL

[Filed August 7, 2019, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-075.

Title of Rule and Other Identifying Information: Chapter 51-56 WAC, Adoption and amendment of the 2018 Uniform Plumbing Code.

Hearing Location(s): On September 13, 2019, at 10:00 a.m., at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10:00 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebe@des.wa.gov, by September 4, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the 2018 edition of the Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), 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 UPC  
Amendments to Chapter 51-56 WAC\*

	WAC	Section	Changes in 2018	Discussion
1	51-56-003		Replace 2015 with 2018	Edit
2	51-56-008	Implementation	Replace 2016 with 2020	Edit
3	51-56-200	221.0	Add Spray Sprinkler Body	Addition
4	51-56-200	225.0	Water heat (consumer electric storage) (Mini Tank Elect.)	Addition
5	51-56-400	407.2	Water consumption (Faucets)	Modification effective July 1, 2021
6	51-56-400	407.2.1	Maximum Water Flow	Modification effective July 1, 2021
7	51-56-400	407.2.1.1	Residential Lavatory Faucets	Modification effective July 1, 2021
8	51-56-400	407.2.1.2	Lavatory Faucets in Common and Public Use Areas	Modification effective July 1, 2021
9	51-56-400	407.2.2	Metering Faucets	Modification effective July 1, 2021
10	51-56-400	408.2	Water Consumption (Showerheads)	Modification effective July 1, 2021
11	51-56-400	408.2.1	Multiple Showerheads Serving One Shower	Modification effective July 1, 2021
12	51-56-400	408.2.5	Tub Spout Diverters and Showerhead Tub Spout Diverter Combinations	Modification effective July 1, 2021
13	51-56-400	411.2	Water Consumption (Water Closets)	Modification effective July 1, 2021
14	51-56-400	411.2.1	Dual Flush Water Closets	Modification effective July 1, 2021
15	51-56-400	411.2.2	Performance	Modification effective July 1, 2021
16	51-56-400	411.2.3	Flushometer Valve Activated Water Closets	Modification effective July 1, 2021
17	51-56-400	412.1	Application	Modification effective July 1, 2021
18	51-56-400	414.3	807.4 to 807.3	Edit
19	51-56-400	420.0	Sinks	Addition
20	51-56-400	420.1	Application	Addition
21	51-56-400	420.2	Water consumption (Sinks)	Addition
22	51-56-400	420.2.1	Kitchen faucets	Modification effective July 1, 2021
23	51-56-400	420.3	Pre-rinse spray valve	Modification effective July 1, 2021
24	51-56-400	423.0	Landscape Irrigation	Modification effective July 1, 2021
25	51-56-400	423.1	Sprinkler body	Modification effective July 1, 2021
26	51-56-500	501.1	Change 501.1 to 501.1(2)	Edit

	WAC	Section	Changes in 2018	Discussion
27	51-56-500	501.1	Clarification in note (2) of the table	Clarification
28	51-56-500	501.1.3	Consumer electric storage water heater requirements	Modification effective July 1, 2021
29	51-56-500	501.1.3	Mini-tank electric water heaters	Modification effective July 1, 2021
30	51-56-600	603.5.12	Change ["in accordance["] to ["]that complies["]	Edit
31	51-56-600	608.3.1	Removed from amendment	Deletion
32	51-56-600	608.5	Change approved to comply	Edit
33	51-56-800	807.3	Air gap removal option in exceptions	Modification
34	51-56-900	903.1	Removed from amendment	Deletion
35	51-56-900	911.1	Circuit Vent Permitted	Addition
36	51-56-1500	1501.1	Modification of requirements	Modification
37	51-56-1500	1501.1.1	Removed from amendment	Deletion
38	51-56-1500	1501.2	Removed from amendment	Deletion
39	51-56-1500	1501.7	Removed from amendment	Deletion
40	51-56-1500	1501.11.2.3	Removed from amendment	Deletion
41	51-56-1500	1501.13.1	Removed from amendment	Deletion
42	51-56-1500	1502.0	Removed from amendment	Deletion
43	51-56-1500	1503.4	Removed from amendment	Deletion
44	51-56-1500	1504.1	Removed from amendment	Deletion
45	51-56-1500	1504.7	Removed from amendment	Deletion
46	51-56-1500	1504.10.2	Removed from amendment	Deletion
47	51-56-1600	1601.1	Modification of requirements	Modification
48	51-56-1600	1601.11.1	Removed from amendment	Deletion
49	51-56-1600	1602.0	Removed from amendment	Deletion
50	51-56-1600	1602.1	Removed from amendment	Deletion
51	51-56-1600	1602.11.2.3	Removed from amendment	Deletion

\*Note: Those not listed on the table above remain as adopted in 2015.

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: RCW 19.27.031 and 19.27.074.

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

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Richard Brown, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; and Enforcement: Local jurisdictions 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 recordkeeping.

#### **Small Business Economic Impact Statement (RCW 19.85.040)**

**Description:** SBCC is filing a proposed rule to adopt the updated 2018 edition of UPC (51-56 WAC). Since 1985 SBCC has been responsible to update to new editions of the Building Code per RCW 19.27.074. UPC is updated every three years by IAPMO. 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 the IAPMO web site for more information about the model code development process.

The administrative compliance requirements are under the authority of the local government, RCW 19.27.050. Compliance 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 51-56 WAC include specific technical requirements for building construction to be consistent with national standards.

**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 cost of compliance incurred by Washington businesses includes training and educational materials. The UPC 2018 model code costs \$125 + tax, shipping and handling. This publication is also available on the IAPMO web site. IAPMO [IAPMO] offers training for continuing education credits to architects, engineers and building inspectors.

The Plumbing Code technical advisory group (TAG) determined there is a cost for compliance on businesses for the following proposed state amendments.

1. Table 504.1 note 2: This revision will assure that the water heater will be able to provide the system with hot water when needed - the nonstorage water heater cannot act as a restriction to flow during peak load operation per UPC section 610.2. There is a minor economic impact, tankless water heater will have to be rated for higher flow to meet this requirement.

2. Sections 407.2, 408.2, 411.2, 412, 420, 423, 501.1.3, 501.1.3. These changes are in response to SSHB [2SHB]

1444 legislation from the 2019 legislative session. The changes update appliance standards. The change will increase construction costs but reduce energy consumption. Because these requirements are established by statute a cost analysis [is] not required here.

**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.

The update will result in some cost outlay for some small businesses for specific building projects, for a transition period. Other small businesses would see an increase in revenue. The amendments to the Plumbing Code affect over twenty-five thousand (in 2012) small businesses in the state, where construction activity occurs. The primary intent of the amendments is to improve the safety features in buildings and provide consistency and fairness across the state, for a predictable business environment. The amendments should result in enhanced safety and value in buildings.

**Cost of Compliance for Small Businesses** (determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance for small business[es] with the cost of compliance for the ten percent of businesses that are the largest businesses): The majority of businesses affected by the updates to the Plumbing Code 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.

**Reducing the Costs of the Rule on Small Businesses:** SBCC conducted a detailed review process, including participation at the national code development hearings, to document significant economic impacts of the proposed code amendments.

**Small Businesses Involved in the Development of the Rule:** For UPC, SBCC conducted five open public meetings of the Building Code TAG, available via telephone conference bridge and over the internet, and allowed comment on every item on every agenda. For UPC SBCC appointed ten representatives of all segments of the business and construction community to serve on TAG.

**List of Industries:** Below is a list of industries required to comply with the Building 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	---

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
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
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	---

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
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.

**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, i.e., 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 generally 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.

August 5, 2019  
 Doug Orth  
 Council Chair

AMENDATORY SECTION (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-003 Uniform Plumbing Code.** The ((2015)) 2018 edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters 12 and 14 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.

AMENDATORY SECTION (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-008 Implementation.** The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, ((2016)) 2020.

AMENDATORY SECTION (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-0200 Chapter 2—Definitions.**

**205.0 Certified Backflow Assembly Tester** - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation), maintain and repair (in compliance with chapter 18.106 RCW) backflow prevention assemblies, devices and air gaps.

**210.0 Hot Water** - Water at a temperature exceeding or equal to 100°F.

**211.0 Insanitary** - A condition that is contrary to sanitary principles or is injurious to health.

Conditions to which "insanitary" shall apply include the following:

- (1) A trap that does not maintain a proper trap seal.
- (2) An opening in a drainage system, except where lawful, that is not provided with an approved liquid-sealed trap.
- (3) A plumbing fixture or other waste discharging receptor or device that is not supplied with water sufficient to flush and maintain the fixture or receptor in a clean condition, except as otherwise provided in this code.
- (4) A defective fixture, trap, pipe, or fitting.
- (5) A trap, except where in this code exempted, directly connected to a drainage system, the seal of which is not protected against siphonage and backpressure by a vent pipe.
- (6) A connection, cross-connection, construction, or condition, temporary or permanent, that would permit or make possible by any means whatsoever for an unapproved foreign matter to enter a water distribution system used for domestic purposes.
- (7) The foregoing enumeration of conditions to which the term "insanitary" shall apply, shall not preclude the application of that term to conditions that are, in fact, insanitary.

**218.0 Plumbing System** - Includes all potable water, building supply and distribution pipes, all reclaimed or other alternate source water systems, all rainwater systems, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

**221.0 Spray Sprinkler Body** - Spray sprinkler body means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.

**225.0 Water Heater (consumer electric storage)** - A consumer product that uses electricity as the energy source to heat domestic potable water, has a nameplate input rating of twelve kilowatts or less, contains nominally forty gallons but no more than one hundred twenty gallons of rated hot water

storage volume, and supplies a maximum hot water delivery temperature less than one hundred eighty degrees Fahrenheit.

**Water Heater (mini-tank electric)** - A small electric water heater that has a measured storage volume of more than one gallon and a rated storage volume of less than twenty gallons.

**Water/Wastewater Utility** - A public or private entity, including a water purveyor as defined in chapter 246-290 WAC, which may treat, deliver, or do both functions to reclaimed (recycled) water, potable water, or both to wholesale or retail customers.

AMENDATORY SECTION (Amending WSR 17-10-074, filed 5/3/17, effective 6/3/17)

**WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.**

**402.5 Setting.** Fixtures shall be set level and in proper alignment with reference to adjacent walls. No water closet or bidet shall be set closer than fifteen (15) inches (381 mm) from its center to any side wall or obstruction nor closer than thirty (30) inches (762 mm) center to center to any similar fixture. The clear space in front of any water closet or bidet shall be not less than twenty-four (24) inches (610 mm). No urinal shall be set closer than twelve (12) inches (305 mm) from its center to any side wall or partition nor closer than twenty-four (24) inches (610 mm) center to center.

EXCEPTIONS:

1. The clear space in front of a water closet, lavatory or bidet in dwelling units and sleeping units shall be not less than 21 inches (533 mm).
2. The installation of paper dispensers or accessibility grab bars shall not be considered obstructions.

**405.4 Application.** No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this chapter.

**407.2 Water Consumption.** The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

**407.4 Metering Valves.** Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTIONS:

1. Where designed and installed for use by persons with a disability.
2. Where installed in day care centers, for use primarily by children under 6 years of age.

**408.2 Water Consumption.** Showerheads shall have a maximum flow rate of not more than 2.5 gpm at 80 psi (9.5 L/m at 552 kPa), in accordance with ASME A112.18.1/CSA B125.1.

**EXCEPTION:** Emergency use showers shall be exempt from the maximum water usage rates.

**408.4 Waste Outlet.** Showers shall have a waste outlet and fixture tailpiece not less than two (2) inches (50 mm) in diameter. Fixture tailpieces shall be constructed from the materials specified in Section 701.1 for drainage piping. Strainers serving shower drains shall have a waterway at least equivalent to the area of the tailpiece.

**EXCEPTION:** In a residential dwelling unit where a 2 inch waste is not readily available and approval of the AHJ has been granted, the waste outlet, fixture tailpiece, trap and trap arm may be 1-1/2 inch when an existing tub is being replaced by a shower sized per Section 408.6(2). This exception only applies where one shower head rated at 2.5 gpm is installed.

**408.6 Shower Compartments.** Shower compartments, regardless of shape, shall have a minimum finished interior of nine hundred (900) square inches (0.58 m<sup>2</sup>) and shall also be capable of encompassing a thirty (30) inch (762 mm) circle. The minimum required area and dimensions shall be measured at a height equal to the top of the threshold and at a point tangent to its centerline. The area and dimensions shall be maintained to a point of not less than seventy (70) inches (1,778 mm) above the shower drain outlet with no protrusions other than the fixture valve or valves, shower head, soap dishes, shelves, and safety grab bars or rails. Fold-down seats in accessible shower stalls shall be permitted to protrude into the thirty (30) inch (762 mm) circle.

**EXCEPTIONS:**

1. Showers that are designed to comply with ICC/ANSI A117.1.
2. The minimum required area and dimension shall not apply for a shower receptor having overall dimensions of not less than thirty (30) inches (762 mm) in width and sixty (60) inches (1,524 mm) in length.

**411.2 Water Consumption.** Water closets shall have a maximum consumption not to exceed 1.6 gallons (6.0 L) of water per flush in accordance with ASME A112.19.2/CSA B45.1. No water closet that operates on a continuous flow or continuous flush basis shall be permitted.

**EXCEPTIONS:**

1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

**412.1 Application.** Urinals shall comply with ASME A112.19.2/CSA B45.1, ASME A112.19.19, or CSA B45.5/IAPMO Z124. Urinals shall have an average water consumption not to exceed 1 gallon (3.8 L) of water per flush. No urinal that operates on a continuous flow or continuous flush basis shall be permitted.

**414.3 Drainage Connection.** Domestic dishwashing machines shall discharge indirectly through an air gap fitting in accordance with Section ((807-4)) 807.3 into a waste receptor, a wye branch fitting on the tailpiece of a kitchen sink, or dishwasher connection of a food waste disposer. Commercial dishwashing machines shall discharge indirectly through an air gap.

**415.2 Drinking Fountain Alternatives.** This section is not adopted. See Building Code chapter 29.

**418.3 Location of Floor Drains.** Floor drains shall be installed in the following areas:

1. Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

2. Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

#### **420.0 Sinks**

**420.1 Application.** Sinks shall comply with ASME A112.19.1/CSA B45.2, ASME A112.19.2/CSA B45.1, ASME A112.19.3/CSA B45.4, or CSA B45.5/IAPMO Z124. Moveable sink systems shall comply with ASME A112.19.12.

**420.2 Water Consumption.** Sink faucets shall have a maximum flow rate of not more than 2.2 gpm at 60 psi (8.3 L/m at 414 kPa) in accordance with ASME A112.18.1/CSA B125.1, except as noted in Section 420.2.1.

**EXCEPTION:** Clinical sinks, laundry trays, service sinks.

**422.0 Minimum Number of Required Fixtures.** For minimum number of plumbing fixtures required, see Building Code Chapter 29 and Table 2902.1.

Sections 422.1 through 422.5 and Table 422.1 are not adopted.

**AMENDATORY SECTION** (Amending WSR 17-10-074, filed 5/3/17, effective 6/3/17)

#### **WAC 51-56-0500 Chapter 5—Water heaters.**

**501.1 Applicability.** The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other types of water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1(2). See the Mechanical Code for combustion air and installation of all vents and their connectors. No water heater shall be hereinafter installed that does not comply with the manufacturer's installation instructions and the type and model of each size thereof approved by the authority having jurisdiction. A list of accepted water heater appliance standards is referenced in Table 501(2). Listed appliances shall be installed in accordance with the manufacturer's installation instructions. Unlisted water heaters shall be permitted in accordance with Section 504.3.2.



TABLE 501.1(2)<sup>1,3</sup>

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating <sup>2</sup> , Gallons	((42)) <u>38</u>	((54)) <u>49</u>	((54)) <u>49</u>	((54)) <u>49</u>	((67)) <u>62</u>	((67)) <u>62</u>	((80)) <u>74</u>	((67)) <u>62</u>	((80)) <u>74</u>	((80)) <u>74</u>	((80)) <u>74</u>

Notes: <sup>1</sup>The first hour rating is found on the "Energy Guide" label.

<sup>2</sup>Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table, and shall be capable of delivering hot water at the maximum system demand flow, as calculated in Section 610.0 or Appendix A, as applicable.

<sup>3</sup>For replacement water heaters, see Section ((401.4.1.1.1)) 102.4.

**504.1 Location.** Water heater installation in bedrooms and bathrooms shall comply with one of the following:

(1) Fuel-burning water heaters may be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 505.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 505.1.2. All combustion air for such installations shall be obtained from the outdoors in accordance with the International Mechanical Code. The closet shall be for the exclusive use of the water heater.

(2) Water heater shall be of the direct vent type.

**505.2 Safety Devices.** All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

**506.0 Combustion Air.** For issues relating to combustion air, see the Mechanical Code.

Sections 506.1 through 506.9 are not adopted.

Sections 507.6 through 507.9 are not adopted.

**507.2 Seismic Provisions.** Water heaters shall be anchored or strapped to resist horizontal displacement due to earthquake motion. Strappings shall be at points within the upper one-third and lower one-third of its vertical dimensions. At the lower point, a distance of not less than four (4) inches (102 mm) shall be maintained from the controls to the strapping.

**507.13 Installation in Garages.** Appliances in garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit shall be installed so that burners, burner-ignition devices and ignition sources are located not less than eighteen (18) inches above the floor unless listed as flammable vapor ignition resistant.

**507.16 Venting of Flue Gases - Delete entire section.**

Sections 507.18 through 507.22 are not adopted.

**509.0 Venting of Equipment.** Delete entire section.

**510.0 Sizing of Category I Venting Systems.** Delete entire section.

**511.0 Direct Vent Equipment.** Delete entire section.

AMENDATORY SECTION (Amending WSR 17-10-074, filed 5/3/17, effective 6/3/17)

**WAC 51-56-0600 Chapter 6—Water supply and distribution.**

**601.1 Applicability.** This chapter shall govern the materials, design and installation of *water supply systems*, including backflow prevention devices, assemblies and methods used for backflow prevention.

**603.1 General.** Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

**603.2 Approval of Devices or Assemblies.** Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction. Backflow prevention devices and assemblies shall comply with Table 603.2, except for specific applications and provisions as stated in Section 603.5.1 through 603.5.21.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.4.2 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No

device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

**TABLE 603.2**  
**Backflow Prevention Devices, Assemblies and Methods**  
 The following line is deleted from the table:

Device, Assembly or Method	Applicable Standards	Pollution (Low Hazard)		Contamination (High Hazard)		Installation
		Back Siphonage	Back Pressure	Back Siphonage	Back Pressure	
Backflow preventer for carbonated beverage dispensers (two independent check valves with a vent to the atmosphere.)	ASSE 1022	X				Installation includes carbonated beverage machines or dispensers. These devices operate under intermittent or continuous pressure conditions.

**603.4.2 Testing.** For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

**603.4.9 Prohibited Location.** Backflow prevention devices with atmospheric vents or ports shall not be installed in pits, underground or in submerged locations. Backflow preventers shall not be located in any area containing fumes or aerosols that are toxic, poisonous, infectious, or corrosive.

**603.5.6 Protection from Lawn Sprinklers and Irrigation Systems.** Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following:

- (1) Atmospheric vacuum breaker (AVB).
- (2) Pressure vacuum breaker backflow prevention assembly (PVB).
- (3) Spill-resistant pressure vacuum breaker (SVB).
- (4) Reduced pressure principle backflow prevention assembly (RP).
- (5) A double check valve backflow prevention assembly (DC) may be allowed when approved by the water purveyor and the authority having jurisdiction.

**603.5.10 Steam or Hot Water Boilers.** Potable water connections to steam or hot water boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

**603.5.12 Beverage Dispensers.** Potable water supply to carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use. The backflow preventer

~~((shall be located in accordance))~~ that complies with Section 603.4.3. The piping downstream of the backflow preventer shall not be of copper, copper alloy, or other material that is affected by carbon dioxide.

**603.5.14 Protection from Fire Systems.** Except as provided under Sections 603.5.14.1 and 603.5.14.2, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family or townhouse residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable assemblies:

- 1. Double check valve backflow prevention assembly (DC).
- 2. Double check detector fire protection backflow prevention assembly.
- 3. Reduced pressure principle backflow prevention assembly (RP).
- 4. Reduced pressure detector fire protection backflow prevention assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 1401.1.

**604.14 Plastic Pipe Termination.** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

**606.5 Control Valve.** A control valve shall be installed immediately ahead of each water-supplied appliance and immediately ahead of each slip joint or appliance supply.

Parallel water distribution systems shall provide a control valve either immediately ahead of each fixture being supplied or installed at the manifold, and shall be identified with the fixture being supplied. Where parallel water distribution

system manifolds are located in attics, crawl spaces, or other locations not accessible, a separate shutoff valve shall be required immediately ahead of each individual fixture or appliance served.

**608.3 Expansion Tanks, and Combination Temperature and Pressure-Relief Valves.** A water system provided with a check valve, backflow preventer, or other normally closed device that prevents dissipation of building pressure back into the water main, independent of the type of water used, shall be provided with an approved, listed, and adequately sized expansion tank or other approved device having a similar function to control thermal expansion. Such expansion tank or other approved device shall be installed on the building side of the check valve, backflow preventer, or other device and shall be sized and installed in accordance with the manufacturer's installation instructions.

EXCEPTION: Instantaneous hot water systems installed in accordance with the manufacturer's installation instructions.

~~((608.3.1 A water system containing storage water heating equipment shall be provided with an approved, listed, adequately sized combination temperature and pressure relief valve, except for listed nonstorage instantaneous heater having an inside diameter of not more than three (3) inches (80 mm). Each such approved combination temperature and pressure relief valve shall be installed on the water heating device in an approved location based on its listing requirements and the manufacturer's installation instructions. Each such combination temperature and pressure relief valve shall be provided with a drain in accordance with Section 608.5.))~~

**608.5 Discharge Piping.** The discharge piping serving a temperature relief valve, pressure relief valve or combination of both shall have no valves, obstructions or means of isolation and be provided with the following:

(1) Equal to the size of the valve outlet and shall discharge full size to the flood level of the area receiving the discharge and pointing down.

(2) Materials shall be rated at not less than the operating temperature of the system and approved for such use or shall comply with ASME A112.4.1.

(3) Discharge pipe shall discharge independently by gravity through an air gap into the drainage system or outside of the building with the end of the pipe not exceeding 2 feet (610 mm) and not less than 6 inches (152 mm) above the ground pointing downwards.

(4) Discharge in such a manner that does not cause personal injury or structural damage.

(5) No part of such discharge pipe shall be trapped or subject to freezing.

(6) The terminal end of the pipe shall not be threaded.

(7) Discharge from a relief valve into a water heater pan shall be prohibited.

EXCEPTION: Where no drainage was provided, replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two (2) feet (610 mm) and six (6) inches (152 mm) from the floor. No additional floor drain need be provided.

**609.9 Disinfection of Potable Water System.** New or repaired *potable water* systems shall be disinfected prior to use where required by the *authority having jurisdiction*. The method to be followed shall be that prescribed by the health authority or, in case no method is prescribed by it, the following:

(1) The *pipe* system shall be flushed with clean, *potable water* until *potable water* appears at the points of outlet.

(2) The system or parts thereof shall be filled with a water-chlorine solution containing not less than 50 parts per million of chlorine, and the system or part thereof shall be valved-off and allowed to stand for twenty-four hours; or, the system or part thereof shall be filled with a water-chlorine solution containing not less than 200 parts per million of chlorine and allowed to stand for three hours.

(3) Following the allowed standing time, the system shall be flushed with clean, *potable water* until the chlorine residual in the water coming from the system does not exceed the chlorine residual in the flushing water.

(4) The procedure shall be repeated when a standard bacteriological test for drinking water, performed by a laboratory certified for drinking water in Washington state, shows unsatisfactory results indicating that *contamination* persists in the system.

**609.11 Insulation of Potable Water Piping.** Domestic water piping within commercial buildings shall be insulated in accordance with Section C403.2.8 and Table C403.2.8 or Section C404.6 of the Washington State Energy Code, as applicable.

**610.4 Sizing Water Supply and Distribution Systems.** Systems within the range of Table 610.4 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

**611.1 Application.** Drinking water treatment units shall comply with NSF 42 or NSF 53. Water softeners shall comply with NSF 44. Ultraviolet water treatment systems shall comply with NSF 55. Reverse osmosis drinking water treatment systems shall comply with NSF 58. Drinking water distillation systems shall comply with NSF 62.

The owner of a building that serves potable water to twenty-five or more people at least sixty or more days per year and that installs drinking water treatment units including, but not limited to, the treatment units in Section 611.1, may be regulated (as a Group A public water system) by the Washington state department of health under chapter 246-290 WAC. See Washington state department of health publication 331-488 for guidance.

**612.1 General.** Where residential fire sprinkler systems are installed, they shall be installed in accordance with the International Building Code or International Residential Code.

Sections 612.2 through 612.7.2 are not adopted.

AMENDATORY SECTION (Amending WSR 07-01-094, filed 12/19/06, effective 7/1/07)

**WAC 51-56-0800 Chapter 8—Indirect wastes.**

**807.3 Domestic Dishwashing Machine.** No domestic dishwashing machine shall be directly connected to a drainage system or food disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine. Listed air gap shall be installed with the flood-level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher.

EXCEPTION: Where permitted by the dishwasher manufacturer's instructions, an air gap may be omitted provided that prior to the connection to the sink tailpiece or food waste disposer, the dishwasher waste line shall rise and be securely fastened to the underside of the sink rim or counter, or in the configuration otherwise prescribed by the manufacturer.

AMENDATORY SECTION (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-0900 Chapter 9—Vents.**

~~((903.1 Applicable Standards. Vent pipe and fittings shall comply with the applicable standards referenced in Table 701.1, except that:~~

~~1. No galvanized steel or 304 stainless steel pipe shall be installed underground and shall be not less than 6 inches (152 mm) above ground.~~

~~2. ABS and PVC DWV piping installations shall be installed in accordance with applicable standards in Table 1401.1. Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a maximum flame spread index of 25 and a maximum smoke developed index of 50, when tested in accordance with ASTM E-84 and UL 723-))~~

**908.2.4 Water Closet.** This section is not adopted.

**911.1 Circuit Vent Permitted.** A maximum of eight fixtures connected to a horizontal branch drain shall be permitted to be circuit vented. Each fixture drain shall connect horizontally to the horizontal branch being circuit vented. The horizontal branch drain shall be classified as a vent from the most downstream fixture drain connection to the most upstream fixture drain connection to the horizontal branch. Given its grease-producing potential, restaurant kitchen equipment shall not be connected to a circuit vented system.

AMENDATORY SECTION (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-1500 Chapter 15—Alternate water sources for nonpotable applications.**

~~((1501.1.1 Allowable use of Alternative Water. Where approved or required by the authority having jurisdiction, alternate water sources (reclaimed (recycled) water, gray water and on-site treated nonpotable water) shall be permitted to be used in lieu of potable water for the applications identified in this chapter. Reclaimed (recycled) water shall not be used to flush toilets or for other indoor use in any res-~~

idential property or dwelling unit where residents have access to plumbing systems for repairs or modifications.

~~**1501.2 System Design.** Alternate water source systems shall be designed in accordance with this chapter by a registered design professional or person who demonstrates competency to design the alternate water source system as required by the authority having jurisdiction. Components, piping, and fittings used in an alternate water source system shall be listed.~~

~~**1501.7 Minimum Water Quality Requirements.** The minimum water quality for alternate water source systems shall meet the applicable water quality requirements for the intended application as determined by the authority having jurisdiction. In the absence of water quality requirements, the EPA/625/R-04/108 contains recommended water reuse guidelines to assist regulatory agencies develop, revise, or expand alternate water source water quality standards.~~

~~The treatment for gray water used to flush toilets or urinals shall be oxidized, coagulated, filtered and disinfected, and be consistent at all times with Washington Class A reclaimed water or better and be approved by the authority having jurisdiction.~~

~~**1501.11.2.3 Discovery of Cross Connection.** In the event that a cross connection is discovered, the following procedure, in the presence of the AHJ, shall be activated immediately:~~

~~(1) Reclaimed (recycled) water piping to the building shall be shutdown at the meter, and the reclaimed (recycled) water riser shall be drained.~~

~~(2) Potable water piping to the building shall be shutdown at the meter.~~

~~(3) The cross connection shall be uncovered and disconnected.~~

~~(4) The building shall be retested following procedures listed in Sections 1501.11.2.1 and 1501.11.2.2.~~

~~(5) The potable water system shall be chlorinated with 50 parts per million (ppm) chlorine for twenty four hours.~~

~~(6) The potable water system shall be flushed after twenty four hours, and a standard bacteriological test for drinking water shall be performed by a laboratory certified for drinking water in Washington state. Where test results are satisfactory to the authority having jurisdiction, health authority having jurisdiction, and the water purveyor, the potable water system shall be permitted to be recharged. See also chapter 246-290 WAC.~~

~~**1501.13.1 General.** An abandoned system or part thereof covered under the scope of this chapter shall be disconnected from remaining systems, drained, plugged, and capped in an approved manner. Components of the abandoned system including, but not limited to, pipe, tubing, fittings, and valves shall not be used for potable water systems.~~

~~**1502.0 Gray Water Systems, is not adopted.** Gray water shall not be used for irrigation except as permitted by the department of health rules.~~

~~**1503.4 Connection to Potable or Reclaimed (Recycled) Water Systems.** Reclaimed (recycled) water systems shall have no connection to a potable water supply or alternate water source system. Potable water is permitted to be used as~~

makeup water for a reclaimed (recycled) water storage tank provided the water supply inlet is protected by an approved air gap in accordance with this code.

**1504.1 General.** The provisions of this section shall apply to the installation, construction, alteration, and repair of on-site treated nonpotable water systems intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, and other uses approved by the authority having jurisdiction.

**1504.7 On-Site Treated Nonpotable Water Devices and Systems.** Devices or equipment used to treat nonpotable water for on-site use in order to maintain the minimum water quality requirements determined by the authority having jurisdiction shall be listed or labeled (third-party certified) by a listing agency (accredited conformity assessment body) or approved for the intended application. Devices or equipment used to treat gray water or sewage for use in water closet and urinal flushing, surface irrigation, and similar applications shall oxidize, coagulate, filter and disinfect the gray water or sewage, and be consistent at all times with Washington Class A reclaimed water or better and be approved by the authority having jurisdiction.

**1504.10.2 Reserved.**) **1501.1 Applicability.** The provisions of this chapter and the Washington state department of health shall apply to the construction, alteration, and repair of alternate water source systems for nonpotable applications.

**AMENDATORY SECTION** (Amending WSR 16-02-044, filed 12/30/15, effective 7/1/16)

**WAC 51-56-1600 Chapter 16— Nonpotable rainwater catchment systems.**

~~(1601.11.1 General.~~ An abandoned system or part thereof covered under the scope of this chapter shall be disconnected from remaining systems, drained, plugged and capped in an approved manner. Components of the abandoned system including, but not limited to, pipe, tubing, fittings and valves shall not be used for potable water systems.

**1602.0 Nonpotable Rainwater Catchment Systems.**

**1602.1 General.** The installation, construction, alteration, and repair of rainwater catchment systems intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, irrigation, industrial processes, water features, cooling tower makeup and other uses shall be approved by the authority having jurisdiction.

EXCEPTION: Exterior irrigation piping.

**1602.11.2.3 Discovery of Cross-Connection.** In the event that a cross-connection is discovered, the following procedure, in the presence of the AHJ, shall be activated immediately:

(1) Rainwater catchment water piping to the building shall be shutdown at the meter, and the rainwater water riser shall be drained.

(2) Potable water piping to the building shall be shut down at the meter.

(3) The cross-connection shall be uncovered and disconnected.

(4) The building shall be retested following procedures listed in Sections 1603.11.2.1 and 1603.11.2.2.

(5) The potable water system shall be chlorinated with 50 parts per million (ppm) chlorine for twenty-four hours.

(6) The potable water system shall be flushed after twenty-four hours, and a standard bacteriological test for drinking water shall be performed by a laboratory certified for drinking water in Washington state. Where test results are satisfactory to the authority having jurisdiction, health authority having jurisdiction, and the water purveyor, the potable water system shall be permitted to be recharged. See also chapter 246-290 WAC.) **1601.1 Applicability.** The provisions of this chapter and the Washington state department of health shall apply to the construction alteration and repair of nonpotable rainwater catch systems.

## WSR 19-16-155

### PROPOSED RULES

### BUILDING CODE COUNCIL

[Filed August 7, 2019, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-074.

Title of Rule and Other Identifying Information: Chapter 51-52 WAC, Adoption and amendment of the 2018 International Mechanical Code.

Hearing Location(s): On September 13, 2019, at 10:00 a.m., at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10:00 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebbe@des.wa.gov, by September 4, 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 Mechanical Code (IMC), published by the International Code Council (ICC), 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 IMC  
Amendments to Chapter 51-52 WAC\*

	WAC	Section	Changes in 2018	Discussion
1	51-52	Title	Replace 2015 with 2018	Edit
2	51-52-003	IMC	Replace 2015 with 2018	Edit
3	51-52-008	Implementation	Replace 2016 with 2020	Edit
4	51-52-0101	101.2 Scope	Exception 2, change 2014 to 2017	Edit
5	51-52-0202	Definitions	Balanced whole house ventilation	Defined
6		Definitions	Distributed whole house ventilation	Defined
7		Definitions	Local Exhaust, change dwelling to residential dwelling or sleeping unit	Clarification
8		Definitions	Replacement air	Defined
9		Definitions	Relief Air	Defined
10		Definitions	Whole house ventilation system, strike or indirect	Edit
11		Definitions	Ventilation Zone	Defined
12	51-52-0301	301	Strike general and replace with Reserved	Modification
13	51-52-0306	306.6	Strike <i>be accessible</i> and replace with <i>have ready access</i> . Strike <i>accessible</i> and <i>from an access</i> add <i>provided with access to</i>	Modification
14	51-52-0403	401.4	Intake opening Location	Addition
15		403.2.1	Strike <i>Item 4 is not adopted</i> , added an Item 4 to the list	Addition
16		403.3	Strike <i>three stories and less in height above grade plane</i>	Modification
17		403.3.1.1	Outdoor air flow rate	Modification
18		403.3.1.1	Table: Required outdoor ventilation air	Modification, edit notes
19		403.3.1.1.2.3	Multiple zone recirculating systems	Addition
20		403.3.1.1.2.3.1	Uncorrected outdoor air intake	Addition
21		403.3.1.1.2.3.1.1	Occupant diversity	Addition
22		403.3.1.1.2.3.1.2	Design system population	Addition
23		403.3.1.1.2.3.2	System ventilation efficiency	Addition
24		403.3.1.1.2.3.3	Simplified procedure	Addition
25		403.3.1.1.2.3.3.1	System ventilation efficiency	Addition
26		403.3.1.1.2.3.3.2	Zone minimum primary airflow	Addition
27		403.3.1.1.2.3.4	Outdoor Air Intake	Addition
28		403.8	Ventilation systems for Group R occupancies	Strike
29		403.8	Group R Whole house mechanical ventilation system	Addition
30		403.8.1	Minimum ventilation performance	Strike
31		403.8.1	Table	Rename and modification to rates
32		403.8.1	System design	Addition
33		403.8.2	Control and operations	Strike
34		403.8.2	Whole House Mechanical ventilation rates	Addition
35		403.8.2	Table	Addition
36		403.8.3	Outdoor air intake locations	Strike
37		403.8.3	Ventilation quality adjustment/Table	Additions
38		403.8.4	Local exhaust ventilation requirements	Strike
39		403.8.4	Whole House Ventilation residential occupancies/Table	Additions
40		403.8.4.1	Local exhaust systems	Strike
41		403.8.4.1	Whole House Ventilation in Group R-2 occupancies	Addition
42		403.8.4.2	Local exhaust fans	Strike
43		403.8.4.2	Whole House Ventilation for other than Group R-2 occupancies	Addition

	WAC	Section	Changes in 2018	Discussion
44		403.8.4.2	Table: Prescriptive Exhaust Duct Sizing	Renumber
45		403.8.5	Whole house ventilation requirements	Strike
46		403.8.5	Whole house Ventilation System controls	Addition
47		403.8.5.1	Table: Int. whole house mech. Ventilation rate factor	Strike
48		403.8.6	Whole house ventilation with exhaust fan systems	Strike
49		403.8.6	Whole House System Component Requirements	Addition
50		403.8.6.1	Outdoor air	Strike
51		403.8.6.1	Exhaust fans	Addition
52		403.8.6.2	Outside air intake locations	Strike
53		403.8.6.2	Supply fans	Addition
54		403.8.6.3	Whole house exhaust systems	Strike
55		403.8.6.3	Balanced Whole house Ventilation System	Addition
56		403.8.6.4	Whole house exhaust and transfer fans	Strike
57		403.8.6.4	Furnace Integrated Supply	Addition
58		403.8.6.5	Fan noise	Strike
59		403.8.6.5	Intermittent off operation	Addition
60		403.8.6.6	Testing	Addition
61		403.8.6.7	Certificate	Addition
62		403.8.7	Whole house ventilation integrated with forced air systems	Strike
63		403.8.7	Local exhaust	Addition
64		403.8.7.1	Whole house exhaust controls	Addition
65		403.8.7.2	Whole house forced air system	Strike
66		403.8.7.2	Local exhaust fans	Addition
67	51-52-0501	501.0	For environmental air exhaust other than enclosed parking garage and transformer vault exhaust	Addition of 10' horizontally and above
68		501.4	Pressure equalization	Modified exception
69	51-52-0506	506.3.2.4	Vibration isolation	Addition
70	51-52-0515	515.1	General	Modified exception
71	51-52-0601	601.2	Air movement in egress elements	Modified exception
72	51-52-0605	605.1	General	Modified exception
73	51-52-0606	606.2.4	Corridors Serving Group R Occupancies in other than high-rise buildings	Addition
74		606.2.5	Corridors Serving Group R Occupancies in high-rise buildings	Addition
75	51-52-0928	928.0	Evaporative cooling equipment	Delete state amendment; now Reserved
76	51-52-1105	1105.6.3	Ventilation Rate	New section
77	51-52-1106	1106.5.2	Emergency ventilation system/Table	New Section
78	51-52-1107	1107.0	Refrigerant piping	Delete state amendment; now Reserved
79	51-52-1200	1209.5	Thermal barrier required	Addition
80	51-52-1400	1402.8.1.2	Rooftop-mounted solar thermal collectors and systems	New section
81	51-52-1500	1500.0	Referenced standards	ASHRAE standard from 2013 to 2016
82	51-52-21401	21401.0	Gas Piping installation	Delete state amendment; now Reserved
83	51-52-21601	21601.0	Chapter 6 Specific appliances	Delete state amendment; now Reserved
84	51-52-22006	22006	Chapter 6 Gas piping Installation	Delete state amendment; now Reserved

\*Note: Those not listed on the table above remain as adopted in 2015.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: RCW 19.27.031, 19.27.074.

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

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Richard Brown, 1500 Jefferson Street

S.E., Olympia, WA 98504, 360-407-9277; and Enforcement: Local jurisdictions 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 recordkeeping.

### Small Business Economic Impact Statement (RCW 19.85.040)

**Description:** SBCC is filing a proposed rule to adopt the updated 2018 edition of the IMC (chapter 51-52 WAC). Since 1985 SBCC has been responsible to update to new editions of the Building Code per RCW 19.27.074. IMC are updated every three years by ICC. 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.

The administrative compliance requirements are under the authority of the local government, RCW 19.27.050. Compliance 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 51-52 WAC include specific technical requirements for building construction to be consistent with national standards.

**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 cost of compliance incurred by Washington businesses includes training and educational materials. IRC and International Existing Building Code 2018 model code costs \$99 + tax, shipping and handling. These publications are also available online at <http://codes.iccsafe.org/1-Codes.html>. ICC chapters offer

training for continuing education credits to architects, engineers and building inspectors for \$285 (in 2016).

The Building Code technical advisory group (TAG) determined there is a cost for compliance on businesses for the following proposed state amendments.

1. Sections 401.4, 501.3.1: Reduces building penetrations that can **decrease** first costs associated with balanced ventilation systems, where such systems are specified.

2. Sections 403.8.2, 403.8.6.4: Because these systems perform a vital function in supporting building durability and occupant health, these systems should be verified for flow when installed. Typical life of a ventilation fan is fifteen years. A \$9-\$12 investment to verify that the ventilation system is working according to specifications could return significant dividends, especially when research suggests that the costs associated with poor indoor air quality in the United States is around \$500 annually per person. The anticipated cost is < \$0-0.006/square foot (\$9-\$12/dwelling unit).

3. Section 403.8: This change is aimed at the residential occupancies that are covered in IMC. It removes the bulk of section 403.8 and replaces [it] with a simplified standard that is based on two tables. The change also requires balanced flow ventilation in multifamily dwelling units. The anticipated cost is \$1.20/square foot (\$950/dwelling unit - multifamily only). It is anticipated that the cost savings will take 11.2 years to pay for the initial cost.

**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.

The update will result in some cost outlay for some small businesses for specific building projects, for a transition period. Other small businesses would see an increase in revenue. The amendments to the building codes affect over twenty-five thousand (in 2012) small businesses in the state, where construction activity occurs. The primary intent of the amendments is to improve the safety features in buildings and provide consistency and fairness across the state, for a predictable business environment. The amendments should result in enhanced safety and value in buildings.

**Cost of Compliance for Small Businesses** (determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance for small business[es] with the cost of compliance for the ten percent of businesses that are the largest 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 SBCC 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.

**Reducing the Costs of the Rule on Small Businesses:** SBCC conducted a detailed review process, including participation at the national code development hearings, to docu-



ment significant economic impacts of the proposed code amendments.

**Small Businesses Involved in the Development of the Rule:** For IMC, SBCC conducted seven open public meetings of the Building Code TAG, available via telephone con-

ference bridge and over the internet, and allowed comment on every item on every agenda. For IMC TAG SBCC appointed nine representatives of all segments of the business and construction community to serve on TAGs.

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

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
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

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
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, i.e., 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 generally 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.

August 5, 2019  
Doug Orth  
Council Chair

### Chapter 51-52 WAC

#### STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2015)) 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-003 International Mechanical Code.** The ((2015)) 2018 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-008 Implementation.** The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, ((2016)) 2020.

AMENDATORY SECTION (Amending WSR 17-17-159, filed 8/23/17, effective 10/1/17)

#### WAC 51-52-0101 Section 101—General.

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*. 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.

**EXCEPTIONS:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. The standards for liquefied petroleum gas installations shall be the ((2014)) 2017 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ((2015)) 2018 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

#### WAC 51-52-0202 Section 202—General definitions.

**BALANCED WHOLE HOUSE VENTILATION.** Any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**DISTRIBUTED WHOLE HOUSE VENTILATION.** A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space, (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

**LOCAL EXHAUST.** An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

**PERMANENT CONSTRUCTION.** Construction that, if removed, would disturb the structural integrity of the building or the fire-resistance rating of a building assembly.

**RELIEF AIR.** Exhausted return air from a system that provides ventilation for human usage.

**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: Makeup 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.

**WHOLE HOUSE VENTILATION SYSTEM.** A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct (~~or indirect~~) means, air from the habitable rooms with *outdoor air*.

**VENTILATION ZONE.** Any indoor area that requires ventilation and comprises one or more spaces with the same occupancy category (see Table 403.3.1.1), occupant density, zone air distribution effectiveness (see Section 403.3.1.1.2), and design zone primary airflow per unit area.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0301 Section 301—(~~General~~) Reserved.**

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0306 Section 306—Access and service space.**

**306.5 Equipment and appliances on roofs or elevated structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33 percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 42 inches (1067 mm).
2. Ladders shall have rung spacing not to exceed 12 inches (305 mm) on center. The uppermost rung shall be a

maximum of 24 inches below the upper edge of the roof hatch, roof or parapet, as applicable.

3. Ladders shall have a toe spacing not less than 7 inches (178 mm) deep.

4. There shall be a minimum of 18 inches (457 mm) between rails.

5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.

6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m<sup>2</sup>) per square foot. Landing dimensions shall be not less than 18 inches and not less than the width of the ladder served. A guardrail shall be provided on all open sides of the landing.

7. Climbing clearances. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs except where cages or wells are installed.

8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches centered in front of the ladder.

9. Ladders shall be protected against corrosion by approved means.

10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

EXCEPTION: This section shall not apply to Group R-3 occupancies.

**306.6 Appliances above ceilings.** Appliances that are located above the ceiling shall (~~be accessible~~) have ready access for inspection, service and repair without removing *permanent construction*. Appliances shall be (~~accessible from an access~~) provided with access to panel or removable ceiling tile with minimum nominal dimensions of 24 inches by 24 inches (609 mm x 609 mm).

The appliance is not required to be removable or replaceable through the access panel or removable ceiling tile. The appliance may be removed or replaced by removing the ceiling or wall assemblies adjacent to the appliance as long as they *are not permanent construction*.

- EXCEPTIONS:
1. This section shall not apply to replacement appliances installed in existing compartments and alcoves where the working space clearances are in accordance with the equipment or appliance manufacturer's installation instructions.
  2. A smaller access panel or removable ceiling tile shall be permitted when allowed by the equipment or appliance manufacturer's installation instructions.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0401 Section 401—General.**

**401.2 Ventilation required.** Every occupied space other than enclosed parking garages and buildings used for repair of automobiles shall be ventilated in accordance with Section 401.2.1, 401.2.2 or 401.2.3. Enclosed parking garages and buildings used for repair of automobiles shall be ventilated by mechanical means in accordance with Sections 403 and 404.

**401.2.1 Group R occupancies.** Ventilation in Group R occupancies shall be provided in accordance with Section 403.8.

**401.2.2 Ambulatory care facilities and Group I-2 occupancies.** Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

**401.2.3 All other occupancies.** Ventilation in all other occupancies shall be provided by natural means in accordance with Section 402 or by mechanical means in accordance with Sections 403.1 to 403.7.

**401.3 When required.** Group R occupancies shall be vented continuously or intermittently in accordance with Section 403.8. Ventilation in all other occupancies shall be provided during the periods that the room or space is occupied.

**401.4 Intake opening location.** Air intake openings shall comply with all of the following:

1. Intake openings shall be located not less than 10 feet (3048 mm) from lot lines or buildings on the same lot. Lot lines shall not be defined as a separation from a street or public way.

2. Mechanical and gravity outdoor air intake openings shall be located not less than 10 feet (3048 mm) horizontally from any hazardous or noxious contaminant source, such as vents, streets, alleys, parking lots, and loading docks, except as specified in Item 3 or Section 501.3.1. Outdoor air intake openings shall be permitted to be located less than 10 feet (3048 mm) horizontally from streets, alleys, parking lots, and loading docks provided that the openings are located not less than 25 feet (7620 mm) vertically above such locations. Where openings front on a street or public way, the distance shall be measured from the closest edge of the street or public way.

3. Intake openings shall be located not less than 3 feet (914 mm) below contaminant sources where such sources are located within 10 feet (3048 mm) of the opening.

**EXCEPTION:** Separation is not required between intake air openings and living space environmental air exhaust air openings of an individual dwelling unit or sleeping unit where a factory-built intake/exhaust combination termination fitting is used to separate the air streams in accordance with the manufacturer's instructions. A min of 3 feet separation shall be maintained between other environmental air exhaust outlets and other dwelling or sleeping unit factory-built intake/exhaust combination fittings.

4. Intake openings on structures in flood hazard areas shall be at or above the elevation required by Section 1612 of

the International Building Code for utilities and attendant equipment.

**EXCEPTION:** Enclosed parking garage and repair garage ventilation air intakes are permitted to be located less than 10 feet horizontally from or 25 feet vertically above a street, alley, parking lot, and loading dock.

**401.7 Testing and balancing.** At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this chapter. Flow testing may be performed using flow hood measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

AMENDATORY SECTION (Amending WSR 17-10-075, filed 5/3/17, effective 6/3/17)

**WAC 51-52-0403 Section 403—Mechanical ventilation.**

**403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

**403.2 Outdoor air required.** The minimum *outdoor airflow rate* shall be determined in accordance with Section 403.3.

**EXCEPTIONS:**

1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of *outdoor air* ventilation determined in accordance with Section 403.3, the minimum required rate of *outdoor air* shall be reduced in accordance with such engineered system design.
2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

**403.2.1 Recirculation of air.** The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply air-stream consists of air recirculated from these spaces.

3. Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1.

~~((Item 4 is not adopted.))~~ 4. Where mechanical exhaust is required by Note g in Table 403.3.1.1, mechanical exhaust

is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Return air from such spaces shall only be permitted to be recirculated when returned to an energy recovery ventilation system complying with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited.

**403.3 Outdoor air and local exhaust airflow rates.** Group R-2, R-3 and R-4 occupancies (~~three stories and less in height above grade plane~~) shall be provided with outdoor air and local exhaust in accordance with Section 403.8. All other buildings intended to be occupied shall be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

**403.3.1.1 Outdoor airflow rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. In each occupiable space, the ventilation system shall be designed to deliver the required rate of outdoor airflow to the breathing zone. Outdoor air shall be supplied directly to each occupiable space from an air handling unit through a fully ducted path or ducted to within 12 inches of the return air opening of a fan-powered terminal unit used to transfer the outdoor air to the occupiable space. The occupant load uti-

lized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3.1.1. Ventilation rates for occupancies not represented in Table 403.3.1.1 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system, including transfer fan-powered terminal units shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3.1.1 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3.1.1 in accordance with accepted engineering practice.

**EXCEPTION:** Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3.1.1 estimated maximum occupancy rates.

**Table 403.3.1.1  
REQUIRED OUTDOOR VENTILATION AIR**

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
<b>Offices</b>				
Conference rooms	50	5	0.06	—
Kitchenettes <sup>k</sup>	((—) 25	((—) 5	((—) 0.06	0.30
Office spaces	5	5	0.06	—
Reception areas	30	5	0.06	—
Telephone/data entry	60	5	0.06	—
Main entry lobbies	10	5	0.06	—
<b>Private dwellings, single and multiple</b>				
Garages, common for multiple units <sup>b</sup>	—	—	—	0.75
((Kitchens <sup>b</sup>	—	—	—	25/100 <sup>f</sup>
Living areas <sup>e</sup>	Based on the number of bedrooms. First bedroom, 2; each additional bedroom, 1	See Tables 403.8.1 and 403.8.5.1	—	—
Toilet rooms, bathrooms and laundry areas <sup>g, h</sup>	—	—	—	20/50 <sup>f</sup> )
<b>Public spaces</b>				
Corridors serving other than Group R occupancies	—	—	0.06	—
Corridors serving Group R dwelling or sleeping units with whole house exhaust system	—	—	0.12	—
Corridors serving Group R dwelling or sleeping units with other than whole house exhaust system	—	—	0.06	—
Courtrooms	70	5	0.06	—
Elevator car	—	—	—	1

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
Elevator lobbies in parking garage	—	—	1.0	—
Legislative chambers	50	5	0.06	—
Libraries	10	5	0.12	—
Museums (children's)	40	7.5	0.12	—
Museums/galleries	40	7.5	0.06	—
Places of religious worship	120	5	0.06	—
Shower room (per showerhead) <sup>g((τ-k))</sup>	—	—	—	50/20 <sup>f</sup>
Smoking lounges <sup>b</sup>	70	60	—	—
Toilet rooms—Public <sup>g((τ-k))</sup>	—	—	—	50/70 <sup>e</sup>
<b>Sports and amusement</b>				
Disco/dance floors	100	20	0.06	—
Bowling alleys (seating areas)	40	10	0.12	—
Game arcades	20	7.5	0.18	—
Ice arenas, without combustion engines <sup>j</sup>	—	—	0.30	0.5
Gym, stadium, arena (play area) <sup>j</sup>	—	—	0.30	—
Spectator areas	150	7.5	0.06	—
Swimming pools (pool and deck area)	—	—	0.48	—
Health club/aerobics room	40	20	0.06	—
Health club/weight room	10	20	0.06	—
<b>Storage</b>				
Janitor closets, trash rooms, recycling rooms	—	—	—	1.0
Repair garages, enclosed parking garage <sup>b, d</sup>	—	—	—	0.75
Storage rooms, chemical	—	—	—	1.5
Warehouses	—	—	0.06	—
<b>Workrooms</b>				
Bank vaults/safe deposit	5	5	0.06	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	4	5	0.06	0.5
Freezer and refrigerated spaces (<50°F)	0	10	0	0
Meat processing <sup>c</sup>	10	15	—	—
Pharmacy (prep. area)	10	5	0.18	—
Photo studios	10	5	0.12	—
Computer (without printing)	4	5	0.06	—

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m<sup>3</sup>/(s•m<sup>2</sup>), °C = [(°F) -32]/1.8, 1 square foot - 0.0929 m<sup>2</sup>.

- a. Based upon *net occupiable floor area*.
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Item 3).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Rates are per water closet or urinal. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- g. Mechanical exhaust is required and recirculation (~~is prohibited~~) from such spaces is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces. Return air from such spaces only be permitted to be recirculated when returned to an energy recovery ventilation system complying with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Items 2 and 4).

- h. For nail salons, each manicure and pedicure station shall be provided with a *source capture system* capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with Section 502.20. Where one or more required source capture systems operate continuously during occupancy, the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.
- i. A laundry area within a kitchen or bathroom is not required to have local exhaust. For the laundry area to qualify as being within the kitchen, the laundry room door must open directly into the kitchen and not into an adjacent corridor. Where there are doors that separate the laundry area from the kitchen or bathroom the door shall be louvered.
- j. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.
- k. Kitchenettes require exhaust when they contain a domestic cooking appliance range or oven that is installed in accordance with Table ((507.2.2)) 507.2.1. Kitchenettes that only contain a microwave ((oven)) cooking appliance are not required to have ((mechanical)) exhaust. A kitchenette may not contain commercial cooking appliances that require Type I or Type II exhaust as these occupancies are required to be exhausted to the kitchen category in Table 403.3.1.1.

**403.3.1.1.2.3 Multiple zone recirculating systems.** For ventilation systems wherein one or more air handlers supply a mixture of outdoor air and recirculated air to more than one ventilation zone, the outdoor air intake flow ( $V_{ot}$ ) shall be determined in accordance with Sections 403.3.1.1.2.3.1 through 403.3.1.1.2.3.4.

**403.3.1.1.2.3.1 Uncorrected outdoor air intake.** The uncorrected outdoor air intake flow ( $V_{ot}$ ) shall be determined in accordance with Equation 4-5.

$$V_{ou} = D \sum_{all\ zones} (R_p \times P_z) + \sum_{all\ zones} (R_a \times A_z) \quad \text{(Equation 4-5)}$$

**403.3.1.1.2.3.1.1 Occupant diversity.** The occupant diversity ratio (D) shall be determined in accordance with Equation 4-6 to account for variations in population within the ventilation zones served by the system.

$$D = P_s / \sum_{all\ zones} P_z \quad \text{(Equation 4-6)}$$

where:

$P_s$  = System population: The total population in the area served by the system.

**EXCEPTION:** Alternative methods to account for occupant diversity shall be permitted, provided the resulting  $V_{ou}$  value is no less than that determined using Equation 4-5.

**403.3.1.1.2.3.1.2 Design system population.** Design system population ( $P_s$ ) shall equal the largest (peak) number of people expected to occupy all ventilation zones served by the ventilation system during use.

Note: Design system population is always equal to or less than the sum of design zone population for all zones in the area served by the system because all zones may or may not be simultaneously occupied at design population.

**403.3.1.1.2.3.2 System ventilation efficiency.** The system ventilation efficiency ( $E_v$ ) shall be determined in accordance with Section 403.3.1.1.2.3.3 for the Simplified Procedure or Appendix A of ASHRAE 62.1 for the Alternative Procedure.

Note: These procedures also establish zone minimum primary airflow rates for VAV systems.

**403.3.1.1.2.3.3 Simplified procedure.**

**403.3.1.1.2.3.3.1 System ventilation efficiency.** System ventilation efficiency ( $E_v$ ) shall be determined in accordance with Equation 4-6a or 4-6b.

$$E_v = 0.88 \times D + 0.22 \text{ for } D < 0.60 \quad \text{(Equation 4-6a)}$$

$$E_v = 0.75 \text{ for } D \geq 0.60 \quad \text{(Equation 4-6b)}$$

**403.3.1.1.2.3.3.2 Zone minimum primary airflow.** For each zone, the minimum primary airflow ( $V_{pz-min}$ ) shall be determined in accordance with Equation 4-7.

$$V_{pz-min} = V_{oz} \times 1.5 \quad \text{(Equation 4-7)}$$

**403.3.1.1.2.3.4 Outdoor air intake.** The design outdoor air intake flow ( $V_{ot}$ ) shall be determined in accordance with Equation 4-8.

$$V_{ot} = V_{ou} / E_v \quad \text{(Equation 4-8)}$$

**403.3.2 Group R-2, R-3 and R-4 occupancies.** This section is not adopted. See Section 403.8.

**403.3.2.1 Outdoor air for dwelling units.** This section is not adopted.

**403.3.2.2 Outdoor air for other spaces.** This section is not adopted.

**403.3.2.3 Local exhaust.** This section is not adopted.

**403.8 ((Ventilation systems for Group R occupancies.** Each dwelling unit or sleeping unit shall be equipped with local exhaust and whole house ventilation systems and shall comply with Sections 403.8.1 through 403.8.11. All occupied spaces, including public corridors, other than the Group R dwelling and sleeping unit, that support the Group R occupancy shall meet the ventilation requirements of Section 402 or the applicable rates from Table 403.3.1.1.

**403.8.1 Minimum ventilation performance.** Ventilation systems shall be designed and installed to satisfy the ventilation requirements of Table 403.3.1.1 or Table 403.8.1. Breathing zone ventilation rates from Table 403.3.1.1 shall be calculated per Section 403.3.1.1 and corrected per zone air distribution effectiveness requirements per Section 403.3.1.2.



**Table 403.8.1**  
**VENTILATION RATES FOR ALL GROUP R PRIVATE DWELLINGS, SINGLE AND MULTIPLE**  
**(CONTINUOUSLY OPERATING SYSTEMS)**

Floor Area (ft <sup>2</sup> )	Bedrooms <sup>1</sup>				
	0-1	2-3	4-5	6-7	≥8
<500	30	40	45	55	60
500-1000	45	55	60	70	75
1001-1500	60	70	75	85	90
1501-2000	75	85	90	100	105
2001-2500	90	100	105	115	120
2501-3000	105	115	120	130	135
3001-3500	120	130	135	145	150
>3500	135	145	150	160	165

<sup>1</sup>Ventilation rates in table are minimum outdoor airflow rates measured in cfm.

**403.8.2 Control and operation.**

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole house ventilation systems shall be provided to the occupant by the installer of the system.

3. Local exhaust ventilation systems. Local exhaust ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole house ventilation systems. Continuous whole house ventilation systems shall operate continuously and be equipped with an override control. A "fan on" switch shall be permitted as an override control. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A clearly visible label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

5. Intermittent whole house ventilation systems. Intermittent whole house ventilation systems shall comply with the following:

5.1 They shall be capable of operating intermittently and continuously.

5.2 They shall have controls capable of operating the exhaust fans, forced air system fans, or supply fans without energizing other energy-consuming appliances.

5.3 The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.

5.4 The system shall be designed so that it can operate automatically based on the type of control timer installed.

5.5 The intermittent mechanical ventilation system shall operate at least one hour out of every four.

5.6 The system shall have a manual control and automatic control, such as a 24 hour clock timer.

5.7 At the time of final inspection, the automatic control shall be set to operate the whole house fan according to the schedule used to calculate the whole house fan sizing.

5.8 A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

EXCEPTION: Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling unit or sleeping unit when designed for continuous operation and approved by the code official.

**403.8.3 Outdoor air intake locations.** Outdoor air intakes shall be classified as either operable openings or mechanical air intakes and shall be located per the following criteria. The intake locations for operable openings and mechanical air intakes shall comply with the following:

1. Openings for mechanical air intakes shall comply with Section 401.4. Operable openings shall comply with Section 401.4 items 2 and 4 only.

2. Intake openings shall not be located closer than 10 feet from an appliance vent outlet unless such vent outlet is 3 feet above the outdoor air inlet. The vent shall be permitted to be closer if specifically allowed by Chapter 8 or by the International Fuel Gas Code.

3. Intake openings shall be located where they will not pick up objectionable odors, fumes, or flammable vapors.

4. Intake openings shall be located where they will not take air from a hazardous or unsanitary location.

5. Intake openings shall be located where they will not take air from a room or space having a fuel-burning appliances.

6. Intake openings shall not be located closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.

7. Intake openings shall not be located where they will take air from an attic, crawl space, or garage.

8. Intake openings shall not be located on asphalt roofs unless it is shown that no other location is permissible. In such cases, the inlet opening shall be located a minimum of 2 feet from the nearest surface of the asphalt roofing, measured from the intake opening.

**403.8.4 Local exhaust ventilation requirements.** Local exhaust ventilation systems shall exhaust at least the volume of air required for exhaust in Table 403.3.1.1. Exhaust shall be provided in each kitchen, bathroom, water closet, laundry area, indoor swimming pool, spa, and other room where water vapor or cooking odor is produced.

**403.8.4.1 Local exhaust systems.** Exhaust systems shall be designed and installed to meet all of the criteria below:

1. Local exhaust shall be discharged outdoors.
2. Exhaust outlets shall comply with Section 501.3.
3. Pressure equalization shall comply with Section 501.4.

4. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

5. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

6. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

7. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.3.2.

8. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

9. Where permitted by Chapter 5, multiple local exhaust ducts may be combined. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.4.2 Local exhaust fans.** Exhaust fan construction and sizing shall meet the following criteria:

1. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure):

EXCEPTION: Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards:

2. Installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.3.1.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTIONS: 1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.4.2.

2. Where a range hood or down draft exhaust fan is used to satisfy the local exhaust requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.)

**Group R whole house mechanical ventilation system.**

Each dwelling unit or sleeping unit shall be equipped with a whole house mechanical ventilation system that complies with Sections 403.8.1 through 403.8.6. Each dwelling unit or sleeping unit shall be equipped with local exhaust complying with Section 403.8.7. All occupied spaces, including public corridors, other than the Group R dwelling units and/or sleeping units, that support these Group R occupancies shall meet the ventilation requirement of natural ventilation requirements of Section 402 or the mechanical ventilation requirements of Sections 403.1 through 403.7.

**Table 403.8.1**  
**WHOLE HOUSE MECHANICAL VENTILATION AIRFLOW RATE**  
**(CONTINUOUSLY OPERATING SYSTEMS)**

Floor Area (ft <sup>2</sup> )	Bedrooms <sup>1</sup>				
	1	2	3	4	≥5
<500	30	30	35	45	50
500 - 1000	30	35	40	50	55
1001 - 1500	30	40	45	55	60
1501 - 2000	35	45	50	60	65
2001 - 2500	40	50	55	65	70
2501 - 3000	45	55	60	70	75
3001 - 3500	50	60	65	75	80
3501 - 4000	55	65	70	80	85
4001 - 4500	60	70	75	85	90
4501 - 5000	65	75	80	90	95

<sup>1</sup> Minimum airflow (Q<sub>e</sub>) is set at not less than 30 cfm for each dwelling units.

**403.8.1 System design.** The whole house ventilation system shall consist of one or more supply fans, one or more exhaust fans, or ERV/HRV integral fans associated ducts and controls. Local exhaust fans shall be permitted to serve as part of the whole house ventilation system when provided with the proper controls in accordance with Section 403.8.5. The systems shall be designed and installed to supply and exhaust the minimum outdoor airflow rates per Section 403.8.2 as corrected by the balanced and/or distributed whole house ventilation system coefficients in accordance with Section 403.8.3 where applicable.

**403.8.2 Whole house mechanical ventilation rates.** The sleeping unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates requirements of Section 403.3.1.1.1.2 using Equation 4-2. The dwelling unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with Equation 4-10 or Table 403.8.1.

$$Q_r = 0.01 * A_{\text{floor}} + 7.5 * (N_{\text{br}} + 1) \text{ (Equation 4-10)}$$

where:

$Q_r$  ≡ Ventilation airflow rate, cubic feet per minute (cfm) but not less than 30 cfm for each dwelling unit.

$A_{\text{floor}}$  ≡ Conditioned floor area, square feet (ft<sup>2</sup>)

$N_{\text{br}}$  ≡ Number of bedrooms, not less than one.

<sup>a</sup> For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**403.8.4 Whole house ventilation residential occupancies.** Residential dwelling and sleeping unit whole house ventilation systems shall meet the requirements of Sections 403.8.4.1 or 403.8.4.2 depending on the occupancy of the residential unit.

**Table 403.8.2**  
**SYSTEM COEFFICIENT ( $C_{\text{system}}$ )**

System Type	Distributed	Not Distributed
Balanced	1.0	1.25
Not Balanced	1.25	1.5

**Table 403.8.4**  
**MINIMUM EXHAUST RATES**

Area to be exhausted	Exhaust Rate	
	Intermittent	Continuous
<b>Kitchens</b>	100 cfm	30 cfm
<b>Bathrooms - Toilet Rooms</b>	50 cfm	20 cfm

**403.8.3 Ventilation quality adjustment.** The minimum whole house ventilation rate from Section 403.8.2 shall be adjusted by the system coefficient in Table 403.8.2 based on the system type not meeting the definition of a balanced whole house ventilation system and/or not meeting the definition of a distributed whole house ventilation system.

$$Q_v = Q_r * C_{\text{system}} \text{ (Equation 4-11)}$$

where:

$Q_v$  ≡ Quality-adjusted ventilation airflow rate in cubic feet per minute (cfm)

$Q_r$  ≡ Ventilation airflow rate, cubic feet per minute (cfm) from Equation 4-10 or Table 403.8.1

$C_{\text{system}}$  ≡ System coefficient from Table 403.8.2

**403.8.4.1. Whole house ventilation in Group R-2 occupancies.** Residential dwelling and sleeping units in Group R-2 occupancies system shall include supply and exhaust fans and be a balanced whole house ventilation system in accordance with Section 403.8.6.3. The system shall include a heat or energy recovery ventilator with a sensible heat recovery effectiveness as prescribed in Section C403.3.6 of the *Washington State Energy Code*. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.8. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

**403.8.4.2. Whole house ventilation for other than Group R-2 occupancies.** Residential dwelling and sleeping units in other than Group R-2 occupancies, including I-1 condition 2 occupancies, shall have a whole house mechanical ventilation system with supply and exhaust fans in accordance with Section 403.8.6.1, 403.8.6.2, 403.8.6.3, or 403.8.6.4. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.8.2 unless configured with intermittent off controls in accordance with Section 403.8.6.5. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

**Table 403.8.3**

**INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a,b</sup>**

<b>RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT</b>	<b>50%</b>	<b>66%</b>	<b>75%</b>	<b>100%</b>
Factor <sup>a</sup>	2	1.5	1.3	1.0

**TABLE ((403.8.4.2) 403.8.5**  
**PRESCRIPTIVE EXHAUST DUCT SIZING**

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows <sup>a</sup>
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches <sup>b</sup>	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches <sup>b</sup>	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows <sup>a</sup>
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

- a. For each additional elbow, subtract 10 feet from length.
- b. Flex ducts of this diameter are not permitted with fans of this size.

~~((403.8.5 Whole house ventilation requirements. Each dwelling unit or sleeping unit shall be equipped with one of the following four types of mechanical whole house ventilation systems: A system using exhaust fans (see Section 403.8.6); a system integrated with forced air systems (see Section 403.8.7); a system using supply fans (see Section 403.8.8); or a heat or energy recovery ventilation system (see Section 403.8.9). The whole house exhaust system is permitted to be one of the local exhaust systems required by Section 403.8.4 as long as the requirements of this section, in addition to the requirements of Section 403.8.5, are met.~~

EXCEPTION: ~~Additions, alterations, renovations or repairs to a mechanical system that is part of a building addition with less than 500 square feet of conditioned floor area are exempt from the requirements for whole house ventilation systems, Section 403.8.5.)~~

**403.8.5 Whole house ventilation system controls.**

1. The whole house ventilation system shall be controlled with manual switches, timers or other means that provide for automatic operation of the ventilation system that are readily accessible by the occupant;

2. Whole house mechanical ventilation system shall be provided with controls that enable manual override off of the system by the occupant during periods of poor outdoor air quality. Controls shall include permanent text or a symbol indicating their function. Recommended control permanent labeling to include text similar to the following "Leave on unless outdoor air quality is very poor." Manual controls shall be provided with ready access for the occupant.

EXCEPTION: Central whole house mechanical systems with supply air and/or exhaust that serves more than one dwelling or sleeping unit are not required to have manual override off controls accessible by the occupant.

3. Whole house ventilation systems shall be configured to operating continuously except where intermittent off controls are provided in accordance with Section 403.8.6.5 and allowed by Section 403.8.4.2.

**403.8.5.1 Outdoor air.** *Outdoor air* shall be distributed to each habitable space.

Where *outdoor air* supply intakes are separated from exhaust vents by doors, means shall be provided to ensure airflow to all separated habitable spaces by installing distribution ducts, installed grilles, transoms, doors undercut to a minimum of 1/2-inch above the surface of the finish floor covering, or other similar means where permitted by the *International Building Code*.

The mechanical system shall operate continuously to supply at least the volume of *outdoor air* required in Table 403.3.1.1 or Table 403.8.1.

EXCEPTION: Intermittently operating ventilation systems: The whole house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate prescribed in Table 403.3.1.1 or Table 403.8.1 is multiplied by the factor determined in accordance with Table 403.8.5.1.

~~((TABLE 403.8.5.1 INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a,b</sup>~~

<del>RUN TIME PERCENTAGE IN EACH 4 HOUR SEGMENT</del>	<del>25%</del>	<del>33%</del>	<del>50%</del>	<del>66%</del>	<del>75%</del>	<del>100%</del>
<del>Factor<sup>a</sup></del>	<del>4</del>	<del>3</del>	<del>2</del>	<del>1.5</del>	<del>1.3</del>	<del>1.0</del>

<sup>a</sup> For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.)

**403.8.5.2 Whole house supply system general requirements.** Whole house ventilation systems integrated with a forced-air system, systems using supply fans and systems using a heat or energy recovery ventilation system shall comply with the following.

1. *Outdoor air* louvers shall be adequately sized for the required airflow and shall comply with Section 401.5. *Outdoor air* intake locations shall comply with mechanical air intakes requirements of Section 403.8.3.

2. *Outdoor air* ducts for dedicated or central supply systems and exhaust ducts for heat or energy recovery systems shall be provided with a means for balancing the system to the required airflow via balance dampers or other devices.

3. *Outdoor air* ducts for dedicated or central systems shall be provided with motorized dampers.

EXCEPTIONS: 1. *Outdoor air* ducts at heat or energy recovery ventilation systems are not required to have motorized dampers.  
2. *Outdoor air* ducts at continuous ventilation systems are not required to have motorized dampers.

4. *Outdoor air* ducts in the conditioned space shall be insulated to a minimum of R-4. In heat or energy recovery ventilation systems, ducts upstream of the heat exchanger shall also be insulated to at least R-4.

5. All *outdoor air* ducts shall be designed and installed to deliver at least the outdoor airflow required by Section 403.8.5.1. The airflows required refer to the delivered airflow

of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: The *outdoor air* duct for supply fan systems and heat or energy recovery systems may be prescriptively sized per Table 403.8.5.2 for dedicated *outdoor air* ducts upstream of the supply fan. Supply fans shall have the capacity to provide the amount of *outdoor air* required by Section 403.8.5.1 at 0.40 in. w.g. as per HVI 916 (April 1995). When prescriptively sized the system shall be tested and balanced using a flow hood, flow-grid, or other airflow measurement device.

6. Whole house ventilation controls for intermittent operation shall allow concurrent operation of the forced-air fan and the associated outdoor air motorized damper.

7. Whole house ventilation controls for continuous operation shall be provided at the forced-air fan.

EXCEPTION: Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling or sleeping unit when designed for continuous operation and approved by the code official.

**TABLE 403.8.5.2  
PRESCRIPTIVE SUPPLY FAN DUCT SIZING**

Supply Fan Tested cfm at 0.40" w.g.		
Specified Volume from Table 408.1	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

**403.8.6 Whole house ventilation ((with exhaust fan systems).** This section establishes minimum requirements for mechanical whole house ventilation systems using exhaust fans.

**403.8.6.1 Outdoor air.** Exhaust fan only ventilation systems shall provide *outdoor air* to each occupiable space through one of the following methods:

1. *Outdoor air* may be drawn through air inlets installed in exterior walls or windows. The air inlets shall comply with all of the following:

1.1. Inlets shall have controllable, secure openings and shall be designed to not compromise the thermal properties of the building envelope.

1.2. Inlets shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

1.3. Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material.

1.4. Inlets shall provide not less than 4 square inches of net free area of opening for each 10 cfm of *outdoor air* required in Table 403.3.1.1 or Table 403.8.1.

1.5. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilation Institute Air Flow Test Standard (HVI 901 (November 1996)) are deemed equivalent to 4 square inches of net free area.

1.6. Each occupiable space shall have a minimum of one air inlet that has a minimum of 4 square inches of net free area.

2. *Outdoor air* may be drawn in through operable openings to the outdoors. Each habitable space shall be provided with operable openings with an openable area of not less than 4 square inches of net free area of opening for each 10 cfm of *outdoor air* required by Table 403.3.1.1 or Table 403.8.1. Doors exiting to a corridor, court or public way shall not be used to provide *outdoor air*. The operable openings shall comply with the following:

2.1. Openings shall be controllable, securable, and shall be designed to not compromise the thermal properties of the building envelope.

2.2. Openings shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

2.3. Openings shall be screened or otherwise protected from entry by leaves or other material.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.6.2 Outside air intake locations.** All *outside air* intake opening types described in Section 403.8.6.1 shall be classified operable openings and shall not be classified as mechanical air intakes. The intake locations shall comply with Section 403.8.3.

**403.8.6.3 Whole house exhaust system.** Whole house exhaust system shall be designed and installed to meet all of the applicable criteria below:

1. Whole house ventilation exhaust shall be discharged outdoors.

2. Exhaust outlets shall comply with Section 501.2.

3. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

4. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.5. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

5. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.2.2.

6. One of the required local exhaust fans for the laundry room or bathroom may be designated as the whole house exhaust fan.

7. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

8. Where permitted by Chapter 5 whole house exhaust ducts may be combined with other local exhaust ducts. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.6.4 Whole house exhaust and transfer fans.** Exhaust fan construction and sizing shall meet the following criteria:

1. Exhaust and transfer fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

2. Installation of system or equipment shall be carried out in accordance with manufacturers' design requirements and installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the outdoor airflow required by Table 403.3.1.1 or Table 403.8.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: An airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.5.2.

**403.8.6.5 Fan noise.** Whole house exhaust and transfer fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.10 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached ductwork using insulated flexible duct or other approved material.

**403.8.7 Whole house ventilation integrated with forced-air systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using forced-air system fans.)) **system component requirements.** Whole house ventilation supply and exhaust fans specified in this section shall have a minimum efficacy as prescribed in the *Washington State Energy Code*. The fans shall be rated for sound at a maximum of 1.0 sone at design airflow and static pressure conditions. Design and installation of the system or equipment shall be carried out in accordance with manufacturer's installation instructions.

EXCEPTIONS:

1. Central supply or exhaust fans serving multiple residential units do not need to comply with the maximum fan sone requirements.
2. Interior joining spaces provided with a 30 cfm transfer fan or a 25 square foot permanent opening do not require supply ventilation air directly to the space. Transfer fans shall meet the sone rating above and have whole house ventilation controls in accordance with Section 403.8.5.

**403.8.6.1 Exhaust fans.** Exhaust fans required shall be ducted directly to the outside in accordance with Section 501.3. Exhaust air outlets shall be designed to limit the pressure difference to the outside to limiting the outlet free area

maximum velocity to 500 feet per minute and equipped with backdraft dampers or motorized dampers in accordance with *Washington State Energy Code*. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Exhaust fans required in this section may be used to provide local ventilation. Exhaust fans that are designed for intermittent exhaust airflow rates higher than the continuous exhaust airflow rates in Table 403.8.3 shall be provided with occupancy sensors or humidity sensors to automatically override the fan to the high speed airflow rate. The exhaust fans shall be tested and the testing results shall be submitted and posted in accordance with Section 403.8.6.7.

EXCEPTION: Central exhaust fans serving multiple residential units do not need to comply with the HVI testing requirements.

**403.8.6.2 Supply fans.** Supply fans used in meeting the requirements of this section shall supply outdoor air from intake openings in accordance with Sections 401.4 and 401.5. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 feet per minute and when designed for intermittent off operation shall be equipped with motorized dampers in accordance with the *Washington State Energy Code*. Supply fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Where outdoor air is provided to each habitable dwelling unit or sleeping unit by supply fan systems the outdoor air shall be filtered. The filter shall be provided with access for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 8.

EXCEPTION: Central supply fans serving multiple residential units do not need to comply with the HVI testing requirements.

**403.8.6.3 Balanced whole house ventilation system.** A balanced whole house ventilation system shall include both supply and exhaust fans. The supply and exhaust fans shall have airflow that is within 10 percent of each other. The tested and balanced total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. The flow rate test results shall be submitted and posted in accordance with Section 403.8.6.6. The exhaust fan shall meet the requirements of Section 403.8.6.2. The supply fan shall meet the requirements of Section 403.8.6.3. For R-2 dwelling and sleeping units, the system is required to have balanced whole house ventilation but is not required to have distributed whole house ventilation where the not distributed system coefficient from Table 403.8.2 is utilized to correct the whole house mechanical ventilation rate. The system shall be design and balanced to meet the pressure equalization requirements of Section 501.4. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**403.8.6.4 Furnace integrated supply.** Systems using space condition heating and/or cooling air handler fans for outdoor air supply air distribution are not permitted.

**EXCEPTION:** Air handler fans shall be permitted that have multi-speed or variable speed supply airflow control capability with a low speed operation not greater than 25 percent of the rated supply air flow capacity during ventilation only operation. Outdoor air intake openings must meet the provisions of Sections 401.4 and 401.5 and must include a motorized damper that is activated by the whole house ventilation system controller. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 ft per min. The motorized damper must be controlled to maintain the outdoor airflow intake airflow within 10 percent of the whole house mechanical exhaust airflow rate. The supply air handler shall provide supply air to each habitable space in the residential unit. The whole house ventilation system shall include exhaust fans in accordance with Section 403.8.6.2 to meet the pressure equalization requirements of Section 501.4. The flow rate for the outdoor air intake must be tested and verified at the minimum ventilation fan speed and the maximum heating or cooling fan speed. The results of the test shall be submitted and posted in accordance with Section 403.8.6.6.

**403.8.6.5 Intermittent off operation.** Whole house mechanical ventilation systems shall be provided with advanced controls that are configured to operate the system with intermittent off operation and shall operate for a least two hours in each four-hour segment. The whole house ventilation airflow rate determined in accordance with Section 403.8.2 as corrected by Section 403.8.3 shall be multiplied by the factor determined in accordance with Table 403.8.3.

**403.8.6.6 Testing.** Whole house mechanical ventilation systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by Sections 403.8.2 and 403.8.3. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official and shall be posted in the residential unit in accordance with Section 403.8.6.7.

**403.8.6.7 Certificate.** A permanent certificate shall be completed by the mechanical contractor, test and balance contractor or other approved party and posted on a wall in the space where the furnace is located, a utility room, or an approved location inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the flow rate determined from the delivered airflow of the whole house mechanical ventilation system as installed and the type of mechanical whole house ventilation system used to comply with Section 403.8.3.

**403.8.7 Local exhaust.** Bathrooms, toilet rooms and kitchens shall include a local exhaust system. Such local exhaust systems shall have the capacity to exhaust the minimum airflow rate in accordance with Table 403.8.4 and Table 403.3.1.1,

including notes. Fans required by this section shall be provided with controls that enable manual override or automatic occupancy sensor, humidity sensor or pollutant sensor controls. An "on/off" switch shall meet this requirement for manual controls. Manual fan controls shall be provided with ready access in the room served by the fan.

**403.8.7.1 Whole house exhaust controls.** If the local exhaust fan is included in a whole house ventilation system in accordance with Section 403.8.6, the exhaust fan shall be controlled to operate as specified in Section 403.8.5.

**403.8.7.1 Outdoor air.** Forced-air system fan ventilation systems shall provide outdoor air through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the return side of the forced-air system fan; or

2. A central *outdoor air* delivery system that supplies multiple dwelling units or sleeping units shall supply *outdoor air* to the return side of the forced air system fan.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.7.2 (Whole house forced-air system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by a forced-air system, the *outdoor air* duct shall be connected to the return air stream at a point within 4 feet upstream of the forced-air unit. It shall not be connected directly to the forced-air unit cabinet in order to prevent thermal shock to the heat exchanger. At a minimum, filtration of the *outdoor air* shall be provided at the forced-air unit. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

Each habitable space in the dwelling or sleeping unit shall be served by a forced-air system with outdoor air connection.)) **Local exhaust fans.** Exhaust fans shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920.

**EXCEPTION:** Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards.

2. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.8.4. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device. Local exhaust systems shall be tested, balanced and verified to pro-

vide a flow rate not less than the minimum required by this section.

3. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

4. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.8.3.

**EXCEPTIONS:**

1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.5.
2. Where a range hood or down draft exhaust fan is used to satisfy the local ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

**403.8.8 Whole house ventilation with supply fan systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using supply fan systems.

**403.8.8.1 Outdoor air.** Supply fan ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to a supply fan; or

2. A central *outdoor air* supply fan system shall distribute unconditioned or conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

- 3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

- 3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.8.2 Whole house supply system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by supply fan systems the *outdoor air* shall be filtered.

The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

**403.8.9 Whole house ventilation with heat recovery or energy recovery ventilation systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using heat recovery or energy recovery ventilation systems.

**403.8.9.1 Outdoor air.** Heat recovery or energy recovery ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the heat recovery or energy recovery ventilator; or

2. A central *outdoor air* heat recovery or energy recovery unit shall distribute conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

- 3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

- 3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.9.2 Whole house heat recovery ventilator system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by heat recovery or energy recovery ventilator the *outdoor air* shall be filtered. The filter shall be located on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a Minimum Efficiency Rating Value (MERV) of at least 6. The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement.

Each habitable space in the dwelling or sleeping unit shall be served by a heat recovery ventilator with outdoor air connection.

**403.8.10 Local exhaust ventilation and whole house ventilation alternate performance or design requirements.** In lieu of complying with Sections 403.8.4 or 403.8.5 compliance with the section shall be demonstrated through engineering calculations by an engineer licensed to practice in the state of Washington or by performance testing. Documentation of calculations or performance test results shall be submitted to and approved by the building official. Performance testing shall be conducted in accordance with approved test methods.

**403.8.11 Alternate systems.** When approved by the code official, systems designed in accordance with ASHRAE Standard 62.2 shall be permitted.

**AMENDATORY SECTION** (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0501 Section 501—General.**

**501.3.1 Location of exhaust outlets.** The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from property lines; 3 feet (914 mm) from exterior walls



and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.

**3. For environmental air exhaust other than enclosed parking garage and transformer vault exhaust:** 3 feet (914 mm) from property lines, 3 feet (914 mm) from operable openings into buildings for all occupancies other than Group U, and 10 feet (3048 mm) from mechanical air intakes. Such exhaust shall not be considered hazardous or noxious.

EXCEPTIONS:

1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

4. Exhaust outlets serving structures in flood hazard areas shall be installed at or above the elevation required by Section 1613 of the *International Building Code* for utilities and attendant equipment.

5. For enclosed parking garage exhaust system outlets and transformer vault exhaust system outlets: 10 feet (3048 mm) from property lines which separate one lot from another; 10 feet (3048 mm) from operable openings into buildings; (~~10 feet (3048 mm) above~~) 3 feet (914 mm) horizontally from 10 feet above or 10 feet below adjoining finished sidewalk.

6. For elevator machinery rooms in enclosed or open parking garages: Exhaust outlets may discharge air directly into the parking garage.

7. For specific systems see the following sections:

7.1. Clothes dryer exhaust, Section 504.4.

7.2. Kitchen hoods and other kitchen exhaust equipment, Sections 506.3.13, 506.4 and 506.5.

7.3. Dust stock and refuse conveying systems, Section 511.2.

7.4. Subslab soil exhaust systems, Section 512.4.

7.5. Smoke control systems, Section 513.10.3.

7.6. Refrigerant discharge, Section 1105.7.

7.7. Machinery room discharge, Section 1105.6.1.

**501.4 Pressure equalization.** Mechanical exhaust systems shall be sized to remove the quantity of air required by this chapter to be exhausted. The system shall operate when air is required to be exhausted. Where mechanical exhaust is required in a room or space, such space shall be maintained with a neutral or negative pressure. If a greater quantity of air is supplied by a mechanical ventilating supply system than is removed by a mechanical exhaust for a room, adequate means shall be provided for the natural or mechanical exhaust of the excess air supplied. If only a mechanical exhaust system is installed for a room or if a greater quantity of air is removed by a mechanical exhaust system than is supplied by a mechanical ventilating supply system for a room, adequate makeup air consisting of supply air, transfer air or outdoor air shall be provided to satisfy the deficiency. The calculated building infiltration rate shall not be used to satisfy the requirements of this section.

EXCEPTION: Domestic range exhaust, domestic dryer exhaust, and local exhaust systems in R-3 occupancies and dwelling units in R-2 occupancies are excluded from the pressure equalization requirement unless required by Section ((504.5)) 504 or Section ((505.2)) 505.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0506 Section 506—Commercial kitchen hood ventilation system ducts and exhaust equipment.**

**506.3.2.4 Vibration isolation.** A vibration isolation connector for connecting a duct to a fan shall consist of noncombustible packing in a metal sleeve joint of approved design or shall be a coated-fabric flexible duct connector rated for continuous duty at temperature of not less than 1500°F (816°C). Vibration isolation connectors shall be installed only at the connection of a duct to a fan inlet or outlet.

**506.3.9 Grease duct cleanout location, spacing and installation.**

**506.3.9.1 Grease duct horizontal cleanout.** Cleanouts located on horizontal sections of ducts shall:

1. Be spaced not more than 20 feet (6096 mm) apart.
2. Be located not more than 10 feet (3048 mm) from changes in direction that are greater than 45 degrees (0.79 rad).

3. Be located on the bottom only where other locations are not available and shall be provided with internal damping of the opening such that grease will flow past the opening without pooling. Bottom cleanouts and openings shall be approved for the application and installed liquid-tight.

4. Not be closer than 1 inch (25.4 mm) from the edges of the duct.

5. Have dimensions of not less than 12 inches by 12 inches (305 mm by 305 mm). Where such dimensions preclude installation, the openings shall be not less than 12 inches (305 mm) on one side and shall be large enough to provide access for cleaning and maintenance.

6. Shall be located at grease reservoirs.

**506.3.9.2 Grease duct vertical cleanouts.** Where ducts pass vertically through floors, cleanouts shall be provided. A minimum of one cleanout shall be provided on each floor. Cleanout openings shall be not less than 1 1/2 inches (38 mm) from all outside edges of the duct or welded seams.

**506.3.11 Grease duct enclosures.** A commercial kitchen grease duct serving a Type I hood that penetrates a ceiling, wall, floor or any concealed spaces shall be enclosed from the point of penetration to the outlet terminal. In-line exhaust fans not located outdoors shall be enclosed as required for grease ducts. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the *International Building Code*. The duct enclosure shall serve a single grease duct and shall not contain other ducts, piping or wiring systems. Duct enclosures shall be a shaft enclosure in accordance with Section 506.3.11.1, a field-applied enclosure assembly in accordance with Section 506.3.11.2 or a factory-built enclosure assembly in accordance with Section 506.3.11.3. Duct enclosures shall have a fire-resistance rating

of not less than that of the assembly penetrated. The duct enclosure need not exceed 2 hours but shall not be less than 1 hour. Fire dampers and smoke dampers shall not be installed in grease ducts.

EXCEPTION: A duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0515 Section 515—Waste or linen chute venting.**

**515.1 General.** Waste or linen chutes shall be gravity vented per NFPA 82.

EXCEPTION: Waste or linen chutes may be mechanically ventilated by an exhaust fan. The exhaust fan (~~shall be located outside the building at the top of the chute~~) in accordance with International Building Code Section 713.13.7.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0601 Section 601—General.**

**601.2 Air movement in egress elements.** Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

EXCEPTIONS:

1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with *outdoor air* at a rate greater than the rate of makeup air taken from the corridor.
2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.
4. Incidental air movement from pressurized rooms within health care facilities, provided that the corridor is not the primary source of supply or return to the room.
5. Where such air is part of an engineered smoke control system.
6. Air supplied to corridors serving residential occupancies shall not be considered as providing ventilation air to the dwelling units and sleeping units subject to the following:
  - 6.1 The air supplied to the corridor is one hundred percent outside air; and
  - 6.2 The units served by the corridor have conforming ventilation air independent of the air supplied to the corridor; and
  - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors (~~(which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor)~~) installed in accordance with Section 606.2.4; or

6.4 For high-rise buildings, (~~corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.~~) the supply fan will automatically shut off upon activation of the smoke detectors required by International Fire Code Section 907.2.12.1 or upon receipt of another approved fire alarm signal. The supply fan is not required to be automatically shut off when used as part of an approved building stairwell or elevator hoistway pressurization system. Corridor smoke detectors shall be installed in accordance with Section 606.2.5.

**606.2.4 Corridors serving Group R occupancies in other than high-rise buildings.** Corridors that serve Group R occupancies in other than high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors spaced in accordance with NFPA 72. The supply fan shall automatically shut off upon activation of the corridor smoke detectors.

EXCEPTION: Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

**606.2.5 Corridors serving Group R occupancies in high-rise buildings.** Corridors that serve Group R occupancies in high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors that are spaced in accordance with NFPA 72 and air supply inlets to the corridor shall be provided with smoke/fire dampers. The supply inlet smoke/fire dampers shall automatically close upon activation of the corridor smoke detectors.

EXCEPTIONS:

1. Corridor smoke detection is not required to close the supply inlet smoke/fire dampers when the smoke/fire dampers are used as part of an approved building stairwell or elevator hoistway pressurization smoke control system.
2. Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0605 Section 605—Air filters.**

**605.1 General.** Heating and air-conditioning systems shall be provided with approved air filters. Filters shall be installed such that all return air, outdoor air and makeup air is filtered upstream from any heat exchanger or coil. Filters shall be installed in an approved convenient location. Liquid adhesive coatings used on filters shall have a flash point not lower than 325°F (163°C).

EXCEPTION: ((Chilled beams that are designed to operate above the space dew point temperature)) Cooling coils that are designed, controlled and operated to provide sensible cooling only do not require filtration at the terminal device.

**605.4 Particulate matter removal.** Particulate matter filters or air cleaners having a minimum efficiency reporting value (MERV) of not less than 6 for ducted air handlers and not less than 4 for ductless mini-split systems shall be provided upstream of all cooling coils or other devices with wetted surfaces through which air is supplied to an occupiable space.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0928** (~~(Section 928—Evaporative cooling equipment.)~~) **Reserved.**

NEW SECTION

**WAC 51-52-1105 Section 1105—Machinery room, general requirements.**

**1105.6.3 Ventilation rate.** For other than ammonia systems, the mechanical ventilation systems shall be capable of exhausting the minimum quantity of air both at normal operating and emergency conditions, as required by Sections 1105.6.3.1 and 1105.6.3.2. The minimum required emergency ventilation rate for ammonia shall be 30 air changes per hour and the room conditions shall be in accordance with IIAR2. Multiple fans or multispeed fans shall be allowed to produce the emergency ventilation rate and to obtain a reduced airflow for normal ventilation.

NEW SECTION

**WAC 51-52-1106 Section 1106—Machinery room, special requirements.**

**1106.5.2 Emergency ventilation system.** An emergency ventilation system shall be provided at the minimum exhaust rate specified in ASHRAE 15 or Table 1106.5.2. Shutdown of the emergency ventilation system shall be by manual means.

TABLE 1106.5.2  
MINIMUM EXHAUST RATES

Refrigerant	Q(m/sec)	Q(cfm)
R32	15.4	32,600
R143A	13.6	28,700
R444A	6.46	13,700
R444B	10.6	22,400
R445A	7.83	16,600
R446A	23.9	50,700
R447A	23.8	50,400
R451A	7.04	15,000
R451B	7.05	15,000
R1234yf	7.80	16,600

Refrigerant	Q(m/sec)	Q(cfm)
R1234ze(E)	5.92	12,600

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1107 Section 1107—**~~(Refrigerant piping.)~~ **Reserved.**

~~(1107.2 Piping location. Refrigerant piping that crosses an open space that affords passageway in any building shall be not less than 7 feet 3 inches (2210 mm) above the floor unless the piping is located against the ceiling of such space. Refrigerant piping shall not be placed in any of the following:~~

- ~~1. A fire-resistance-rated exit access corridor.~~
- ~~2. An interior exit stairway.~~
- ~~3. An interior exit ramp.~~
- ~~4. An exit passageway.~~
- ~~5. An elevator, dumbwaiter, or other shaft containing a moving object.~~
- ~~6. A shaft that has one or more openings into a fire-resistance-rated exit access corridor, interior exit stairway or ramp, or exit passageway.)~~

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1200 Chapter 12—Hydronic piping.**

**1209.5 Thermal barrier required.** Radiant floor heating and snow melt systems shall be provided with a thermal barrier in accordance with Sections 1209.5.1 through 1209.5.4. Concrete slab-on-grade, asphalt and paver-system type pavements shall have a minimum of R-10 insulation installed under the area to be snow melted, or R-5 insulation shall be installed under and at the slab edges of the area to be snow melted. The insulation shall be located underneath the snow and ice melt hydronic piping or cable and along all edges of the pavement where the snow and ice melt system is installed in accordance with the snow and ice melt manufacturer's instructions.

**1209.5.1 Slab-on-grade installation.** Radiant piping utilized in slab-on-grade applications shall be provided with insulating materials installed beneath the piping as required by the *Washington State Energy Code*.

**1210.7.6 Expansion tanks.** Shutoff valves shall be installed at connections to expansion tanks. A method of draining the expansion tank downstream of the shutoff valve shall be provided.

NEW SECTION

**WAC 51-52-1400 Chapter 14—Solar thermal systems.**

**1402.8.1.2 Rooftop-mounted solar thermal collectors and systems.** The roof shall be constructed to support the loads imposed by roof-mounted solar collectors. Where mounted on or above the roof covering, the collector array, mounting systems and their attachments to the roof shall be constructed

of noncombustible materials or fire-retardant-treated wood conforming to the *International Building Code* to the extent required for the type of roof construction of the building to which the collectors are accessory.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1500 Chapter 15—Referenced standards.** The following referenced standards are added to Chapter 15.

ASHRAE

**62.2-((2013)) 2016** Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings .....403.8.11

**HVI address:**

Home Ventilating Institute

1740 Dell Range Blvd., Suite H, PMB 450

Cheyenne, WY 82009

**HVI 915-2015 Procedure for Loudness Testing of Residential Fan Products.** ....403.8.6.1, 403.8.6.2, 403.8.7.2

**HVI 916-2015 Air Flow Test**

Procedure .....403.8.6.1, 403.8.6.2, 403.8.7.2

**HVI 920-2015 Product Performance Certification**

Procedure Including Verification and

Challenge .....403.8.6.1, 403.8.6.2, 403.8.7.2

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-21401 ((Chapter 4—Gas piping installations-)) Reserved.**

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-21601 ((Chapter 6—Specific appliances-)) Reserved.**

AMENDATORY SECTION (Amending WSR 07-01-092, filed 12/19/06, effective 7/1/07)

**WAC 51-52-22006 ((Chapter 6—Gas piping installation-)) Reserved.**

**WSR 19-16-156  
PROPOSED RULES  
BUILDING CODE COUNCIL**

[Filed August 7, 2019, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-073.

Title of Rule and Other Identifying Information: Chapter 51-50 [51-51] WAC, Adoption and amendment of the 2018 International Residential Code.

Hearing Location(s): On September 13, 2019, at 10:00 a.m., at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10:00 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebe@des.wa.gov, by September 4, 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 Residential Code (IRC), published by the International Code Council (ICC), 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 IRC

Amendments to Chapter 51-51 WAC\*

	WAC	Section	Changes in 2018	Discussion
1	51-51-000		Chapter title	Updated to address the 2018 IRC.
2	51-51-003		Adopts by reference the IRC	Updated to address the 2018 IRC.
3	51-51-008		Establishes the effective date	Updated from July 1, 2015, to July 1, 2020.
4	51-51-01010		Addresses appendix renumbering	Response to appended renumbering in the 2018 code.
5	51-51-0106	R106.1	Submittal documents	Allows digital format permit submission.
6	51-51-0202	R202	Definitions	Deletes the amendment definition of <i>Air impermeable insulation</i> that is now defined in the 2018 code.

	WAC	Section	Changes in 2018	Discussion
7				Added definition for <i>Balanced Whole House Ventilation</i> .
8				Modifies the definition of <i>Building</i> .
9				Modifies <i>Existing Building</i> definition.
10				Added definition for <i>Distributed Whole House Ventilation</i> .
11				Modifies <i>Dwelling Unit</i> definition.
12				Deletes <i>Battery System, Stationary Storage</i> definition. Adds <i>Energy Storage Systems (ESS)</i> definition.
13				Defines <i>Floor Area</i> .
14				Modifies the definition of <i>Lot</i> and <i>Lot Line</i> .
15				Modifies definition of <i>Landing Platform</i> .
16				Modified definition of <i>Local Exhaust</i> .
17				Modifies definition of <i>Loft</i> .
18				Deleted definition for <i>Mixed Ventilation Zone</i> .
19				Modified the definition of <i>Townhouse</i> and adds a definition for <i>Townhouse Unit</i> . Defines minimum length to be considered appropriate width to a yard or public way.
20				Modified definition of <i>Whole House Ventilation System</i> .
21	51-51-0301	R301.2.2.3.1	Design criteria	Amendment deleted because it is now addressed in the 2018 code.
22		Table R301.5	Minimum uniformly distributed live loads	Changes the live load from forty to sixty for exterior balconies and decks.
23	51-51-0302	R302.1	Exterior walls	Amendments deleted because they are now addressed in the 2018 code.
24		R302.2.1 R302.2.2 R302.2.3 R302.2.4 R310.1	Double walls Common walls Continuity Parapets for townhouses Emergency escape and rescue opening required	Addresses the new definition of <i>Townhouse Unit</i> as it applies to the separation of <i>Townhouse Units</i> and emergency escape.

	WAC	Section	Changes in 2018	Discussion
25		Table R302.1(1) Table R302.1(2)	Exterior walls, footnote b Dwellings with fire sprinklers, footnote c	Addresses the situation where there are no vents at the underside of the rake overhang, or in any walls underneath the rake overhang. This section has been modified to be more generic so that the concept can be applied at gable, hip and any other roof style with overhangs.
26		R302.2	Townhouses	Clarifies that the townhouse common wall be "tight against" two locations, the inside face of the exterior wall and the underside of the roof sheathing. Requires common walls to continue to the exterior sheathing of the exterior wall. A new exception allows (2) 2x wood studs to be used to extend the common wall through the exterior wall stud cavity.
27		Figure R302.2(2)	Townhouse separation overhang protection	Aligns values in Figure R302.2(2) with the value given for protecting projections in Table R302.1(2).
28		R302.2.6	Structural independence	Option One: Addresses the new definition of Townhouse Unit as it applies to the separation of Townhouse Units and emergency escape. Option Two: Deletes amendment.
29		R302.3 R302.3.1 R302.3.2 R302.3.3	Two family dwellings	Addresses unit separation requirements and supporting construction requirements.
30		R302.4.1	Through penetrations	Includes fire sprinkler piping in the exception.
31	51-51-0303	R303.9	Required glazed openings	Addresses the length of the clear vertical space.
32	51-51-0308	R308.4.4 R308.4.4.1	Glazing in guards and railings Structural glass baluster panels	Amendments deleted because they are now addressed in the 2018 code.
33	51-51-0310	R310.1	Emergency escape and rescue opening required	Addresses minimum width.
34		R310.1.1	Operational constraints and opening control devices	Addresses the location of the window control device.
35		R310.2.4	Emergency escape and rescue openings under decks and porches	Addresses the length of the clear vertical space.
36	51-51-0311	R311.7.3	Vertical rise	Converts an inch dimension to feet and inches.
37	51-51-0313	R313	Automatic fire sprinkler system	Addresses fire sprinkler systems for townhouses.

	WAC	Section	Changes in 2018	Discussion
38	51-51-0314	R314	Smoke alarms and heat detection	Modifies section to address heat detection in residential garages.
39		R314.2.2 R314.4	Alterations, repairs and additions Interconnection	Addresses the required location of smoke alarms in accessory dwelling units and how they should be interconnected.
40	51-51-0315	R315.3	Location	Addresses an error made when submitting the WAC language for the 2015 code.
41	51-51-03240	R324.1 R324.2 R324.3.1 R324.4.1 R.24.4.2 [R324.4.2] R324.5 R324.6	General Solar thermal systems Equipment listing Roof load Wind resistance Building-integrated photovoltaic systems Ground-mounted photovoltaic systems	Amendments deleted because they are now addressed in the 2018 code.
42	51-51-0325	R325.6	Habitable attic	Habitable attics are considered a story unless the structure is fully sprinklered.
43	51-51-0326	R326.1	General	Adds requirements for sleeping lofts.
44		R326.2 R326.2.2 R326.3 R326.3.1.1 R326.3.1.2 R326.3.1.3 R326.3.1.4 R326.3.1.5 R326.3.1.6 R326.3.1.7 R326.3.2 R326.3.2.1 R326.3.2.2 R326.3.3 R326.3.4 R326.4 R326.5	Sleeping loft area and dimensions Minimum horizontal dimensions Sleeping loft access and egress Headroom Width Treads and risers Landings Landing platforms Handrails Stairway guards Ladders Size and capacity Incline Alternating tread devices Ships ladders Sleeping loft guards Emergency escape and rescue openings	Moves and modifies language from the Tiny Home appendix and places it here.
45	51-51-0327	R327.1 R327.2 R327.3 R327.4 R327.5 R327.6 R327.6.1 R327.7	General Equipment listing Installation Electrical installation Ventilation Commissioning Installation prior to closing Protection from impact	Replaces the term Stationary Battery Storage System with ESS. It also includes new requirements for commissioning an ESS and provides for a handoff of the commissioning paperwork to the owner for new construction.
46	51-51-0325 now 51-51-0328	R328	Adult family homes	Number adjustment to accommodate renumbering in the model code.

	WAC	Section	Changes in 2018	Discussion
47	51-51-0326 now 51-51-0329	R329	Family home child care	Number adjustment to accommodate renumbering in the model code.
48	51-51-0327 now 51-51-0330	R330	Protection against radon	Number adjustment to accommodate renumbering in the model code.
49	51-51-0328	R328	Mezzanines now reserved	Amendments deleted because they are now addressed in the 2018 code.
50	51-51-0329 now 51-51-0326	R326	Swimming pools, spas, and hot tubs	Number adjustment to accommodate renumbering in the model code. Updated to address the 2018 code.
51	51-51-0403	R403.1.6	Foundation anchorage	Allows wet setting anchor bolts for attaching wood sills to foundations.
52	51-51-0404	R404.1.3.3.6	Form materials and form ties	Allows wet setting anchor bolts for attaching wood sills to foundations.
53	51-51-0507	R507.1	Decks	Reminds designers that they must consider live load and ground snow load.
54		Table R507.3.1	Minimum footing size for decks	Modifies dimensions for some footings. Modifies footnote addressing bearing.
55		R507.4	Deck posts	Addresses deck posts.
56		Table R507.4	Deck Post Height	Modifies table.
57		R507.5	Deck beams	Addresses new table numbering.
58		Table R507.5(1)	Maximum deck beam span - 40 psf live load	Modifies table and footnotes.
59		Table R507.5(2)	Maximum deck beam span - 50 psf live load	New table and footnotes.
60		Table R507.5(3)	Maximum deck beam span - 60 psf live load	New table and footnotes.
61		Table R507.5(3)	Maximum deck beam span - 70 psf live load	New table and footnotes.
62		R507.6	Deck joists	Deletes text addressing cantilevering.
63		Table R507.6	Maximum deck joist spans	Modifies table and footnotes.
64		R507.9.1.2	Band joist details	Requires the band joists used to attach the deck ledger to be in compliance with sawn lumber or the engineered wood rim board.
65		Table R507.9.1.3(1)	Deck ledger connection to band joist	Modifies table and footnotes.
66		R507.9.2	Lateral connection	Amendment updated to synchronize with the revised section numbers and titles in the model code.



	WAC	Section	Changes in 2018	Discussion
67	51-51-0602	R602.1.1.1	Used sawn lumber	Gives structural properties for used lumber.
68		R602.7.5 R602.9 R602.10.10	Supports for headers Cripple walls Cripple wall bracing	Deletes amendment not adopting R602.7.5. Number adjustment to accommodate renumbering in the model code.
69	51-51-0608	R608.1 R608.5.1	General Concrete and materials for concrete	References ACI 332 Residential Code Requirements for Structural Concrete.
70	51-51-0703	R703.2	Water-resistive barrier	Provides a more flexible definition of water-resistive barriers.
71	51-51-1006	R1006.6	Solid fuel burning appliances and fire-place	Number adjustment to accommodate renumbering in the model code.
72	51-51-1504	M1504.3	Exhaust openings	Allows for intake/exhaust combination terminations.
73	51-51-1507	M1507.3.2	Control operation	Addresses labeling.
74		M1507.3.3.1	Testing	Adds testing requirements for whole house mechanical ventilation systems.
75	51-51-4400	Standards	Modified ANCE NMX-J-521/2-40-ANCE-2019/CAN/CSA-22.2 No. 60335-2-40-19/UL 60335-2-40-2019 (if published)	Updates standard.
76			Added ASTM E2556/E2556M-10	Provides a more flexible definition of water-resistive barriers.
77			Added ANSI LC1/CSA 6.26—18	Added standard.
78			Modified CSA CAN/CSA/C22.2 No. 60335-2-40-2019 (if published)	Updates standard.
79			Modified UL/CSA/ANCE 60335-2-40-2019 (if published)	Updates standard.
80	51-51-60103	AF103	Requirements	Adjusts numbering to accommodate renumbering in the model code.
81	51-51-60104	Appendix Q	Tiny houses	Adopts and modifies appendix.
82		AQ101.1	Scope	Adopted.
83		AQ102.1	General	Adopted.
84			Definitions	Adopted and modified Tiny House definition.
85		AQ103	Ceiling height	Adopted and modified.
86		AQ104.1	Testing for tiny houses	New section addressing air leakage.
87		AQ104.1.1	Whole house mechanical ventilation	New section addressing whole house mechanical ventilation.
88		AQ104.1	Tiny house	New section addressing energy usage compliance.

	WAC	Section	Changes in 2018	Discussion
89	51-51-60105	Appendix Q now Appendix U	Dwelling unit fire sprinkler systems	Adjusts numbering to accommodate renumbering in the model code.
90	51-51-60107	Appendix V	Fire sprinklers	Adjusts numbering to accommodate renumbering in the model code.

\*Note: Those not listed on the table above remain as adopted in 2015.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: RCW 19.27.031, 19.27.074.

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

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Richard Brown, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; and Enforcement: Local jurisdictions 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 recordkeeping.

**Small Business Economic Impact Statement  
(RCW 19.85.040)**

**Description:** SBCC is filing a proposed rule to adopt the updated 2018 edition of IRC (chapter 51-51 WAC). Since 1985 SBCC has been responsible to update to new editions of the Building Code per RCW 19.27.074. IRC is updated every three years by ICC. 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.

The administrative compliance requirements are under the authority of the local government, RCW 19.27.050. Compliance 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.

**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 cost of compliance incurred by Washington businesses includes training and educational materials. IRC 2018 model code costs \$99 + tax, shipping and handling. This publication is also available online at <http://codes.iccsafe.org/I-Codes.html>. ICC chapters offer training for continuing education credits to architects, engineers and building inspectors for \$285 (in 2016).

The Building Code technical advisory group (TAG) determined there is a cost for compliance on businesses for the following proposed state amendments.

1. TABLE 301.5, R507.1, TABLE R507.3.1, R507.4, TABLE R507.4, R507.5, TABLE R507.5, TABLE R507.5(2) (new), TABLE R507.5(3) (new), TABLE R507.5(4) (new), R507.6, TABLE R507.6, TABLE R507.9.1.3(1): Clarifies the state's deck live load interpretation and provides a footnote to TABLE 301.5 that allows using Section R507. This proposal also aligns the IRC deck and balcony live load requirements with IBC and ASCE7. This will increase the cost of construction. A full parametric study of every size, shape, and configuration of decks is not practical, as there are too many variables, however, the biggest impacts are to ledger bolt spacing and footing sizes; how much depends on the particulars of the design.

2. Section(s): TABLE R302.1(1) footnote b and TABLE R302.1(2) footnote c Reduction of fire-resistance rating on underside of rake overhang: If there were no vents at the underside of the rake overhang, or in any walls underneath the rake overhang, both of which allow fire to freely move into attic areas, then there should be no requirement to rate the underside of the rake overhang. This section has been modified to be more generic so that the concept can be applied at gable, hip and any other roof style with overhangs. This will **decrease** the cost of rating the rake overhang in cases where there are no openings into the attic that could

cause fire to spread. In this case, it would eliminate the cost of a one hour rating for the underside of the rake.

3. Section R302.2.6 Structural independence: Removes the structural independence section for townhouses in IRC. This will **decrease** the cost of construction since it is eliminating requirements and makes code compliance easier when designing townhouse projects.

4. Section R302.4.1 Through penetrations: Listed fire sprinkler piping is ignition resistant and will not sustain combustion. Allowing common fire sprinkler piping to protect multiple units in a townhouse can significantly reduce installation costs, and IBC now allows penetration of townhouse separation walls in any townhouse that does not exceed the height and area limits. The code change proposal will **decrease** the cost of construction. The allowance for sprinkler piping to penetrate townhouse separation walls will reduce the infrastructure required to install a fire sprinkler system in some cases by allowing a shared feed for multiple units.

5. Section R313 Automatic fire sprinkler systems: Requires fire sprinkling for townhouses composed of five or more townhouse units. Installation costs for fire sprinklers in townhouses are offset by cost savings that can be realized in other aspects of construction, including:

- Reduced fire ratings of townhouse separation walls.
- Elimination of the requirement to provide a fire-resistant floor-ceiling system between unfinished basements and occupied areas.
- Reductions in road width, number of required access roads into a community, and elimination of some portions of fire access roads based on permissible increase in maximum distance from an access road to the most remote point of buildings (normally limited to one hundred fifty feet). These allowances will vary based on local jurisdiction fire code access requirements.
- Reductions in minimum required water supply flow rate, smaller water mains, and possible elimination of some fire hydrants. These allowances will vary based on local jurisdiction fire code water supply requirements.
- Allowance for a single means of escape window or door for the entire basement, which may eliminate not only additional windows for sleeping rooms, but also the associated window well, escape ladder, fall protection for the window well opening and issues with sealing below-grade wall openings from water infiltration.
- Increased portion of roof area permitted to have solar panels (R324.6), which increases available solar generating capacity.
- Permissible area of a mezzanine increases from 1/3 of the floor area of the room with a mezzanine to 1/2 (R325.3). This permits increased design flexibility for a top-story mezzanine versus having a fourth story in a townhouse, which falls out of IRC scope and forces IBC compliance.
- Permissible enclosure of mezzanines in rooms not exceeding two stories above grade plane versus requiring openness to the room with walls not exceeding 36 inches in height (R325.5).

Many of these cost offsets relate to design options that are difficult to quantify because they relate to specific architectural design features, such as the inclusion of mezzanines, or on local fire code requirements that are unique to specific jurisdictions. However, the cost offsets associated with permissible reductions in townhouse separations and unfinished basement floor-ceiling assemblies can be quantified. Based on the highest-cost system from model runs and parameters described above, the net monthly payment for fire sprinklers is \$1.23, or approximately \$15/year.

6. Section R314 Smoke alarms and heat detection: Addresses heat detectors in garages. An interconnected heat detector or heat alarm will increase the cost of construction by about \$100, which includes installation. If a new garage is attached to an existing dwelling that has only battery powered smoke alarms installed, the heat detector or heat alarm will require the installation of an interconnected alarm or smoke alarm to be installed in the dwelling for the purposes of providing occupant notification. Under this scenario, the total cost will increase to about \$200.

7. Section R325.6 Habitable attic: This change will require habitable attics above the third floor to be considered a floor unless the building if [is] fully sprinklered. This will increase the cost of construction where this is applicable by requiring the habitable attic to be built to the same standard as the floors below.

8. Sections R403.1.6 and R404.1.3.3.6 Foundation anchorage and form materials and form ties: This allows wet-setting anchor bolts. This will **reduce** the labor and time needed in foundation construction.

9. Appendix Q Tiny house: This takes an important part of Appendix Q and incorporates it into the main sections of IRC. It makes those sections available to all dwelling units that are constructed out of IRC. Additionally, this provides modifications to Appendix Q for tiny houses and addresses some energy code standards for these smaller spaces. This proposal may **decrease** the cost of construction by allowing flexibility in how smaller dwelling unit spaces are designed and constructed.

**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.

The update will result in some cost outlay for some small businesses for specific building projects for a transition period. Other small businesses would see an increase in revenue. The amendments to the building codes affect over twenty-five thousand (in 2012) small businesses in the state, where construction activity occurs. The primary intent of the amendments is to improve the safety features in buildings and provide consistency and fairness across the state, for a predictable business environment. The amendments should result in enhanced safety and value in buildings.

**Cost of Compliance for Small Businesses** (determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance for small business[es] with the cost of compliance for the ten percent of businesses that are the largest 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 SBCC 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.

**Reducing the Costs of the Rule on Small Businesses:**

The revision history for the 2018 model code amendments shows several hundred amendments proposed by industry and local governments which add flexibility and clarity to the

code and coordinate rules, and represent a savings for small business building owners and operators.

SBCC conducted a detailed review process, including participation at the national code development hearings, to document significant economic impacts of the proposed code amendments.

**Small Businesses Involved in the Development of the Rule:** For IRC, SBCC conducted ten open public meetings of the Building Code TAG, available via telephone conference bridge and over the internet, and allowed comment on every item on every agenda. For IRC TAG the SBCC appointed six 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:

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
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

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
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

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
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, i.e., 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 generally 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.

August 5, 2019  
 Doug Orth  
 Council Chair

**Chapter 51-51 WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ~~((2015))~~ 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE**

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-003 International Residential Code.** The ~~((2015))~~ 2018 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 43 of this code are not adopted. Energy Code is regulated by chapter 51-11R WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction. Appendix F, Radon Control Methods, ~~((and))~~ Appendix Q, Tiny Homes, and Appendix ((Q)) U, Dwelling Unit Fire Sprinkler Systems, are included in adoption of the International Residential Code.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-008 Implementation.** The International Residential Code adopted by chapter 51-51 WAC shall

become effective in all counties and cities of this state on July 1, ~~((2016))~~ 2020.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-01010 Scope.** The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two-family dwellings, adult family homes, and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.

- EXCEPTIONS:
1. Live/work units located in *townhouses* and complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-Family Dwellings* shall conform to Appendix ~~((Q))~~ U.
  2. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*.
  3. Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with a fire sprinkler system in accordance with Appendix ~~((Q))~~ U.

NEW SECTION

**WAC 51-51-0106 Section 106—Construction documents.**

**R106.1 Submittal documents.** Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, 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 *building official* is autho-

rized to require additional *construction documents* to be prepared by a registered *design professional*.

**EXCEPTION:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0202 Section R202—Definitions.**

**ADULT FAMILY HOME** means a dwelling 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.

~~((**AIR IMPERMEABLE INSULATION.** An insulation having an air permeance equal to or less than 0.02 L/s-m<sup>2</sup> at 75 Pa pressure differential tested in accordance with ASTM E2178 or ASTM E283.))~~

**ATTIC, HABITABLE.** A conditioned area complying with all of the following requirements:

1. The occupiable floor area is at least 70 square feet (6.5 m<sup>2</sup>), in accordance with Section R304.
2. The occupiable floor area has a ceiling height in accordance with Section R305.
3. The occupiable space is entirely enclosed by the roof assembly above, knee walls (if applicable) on the sides, and the floor-ceiling assembly below.

A habitable attic is not considered a story.

**BALANCED VENTILATION.** This definition is not adopted.

**BALANCED WHOLE HOUSE VENTILATION.** Balanced whole house ventilation is defined as any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**BATTERY SYSTEM, STATIONARY STORAGE.** This definition is not adopted.

**BUILDING, EXISTING.** A building or structure erected prior to the adoption of this code, or one that has passed a final inspection.

**BUILDING.** Any one- or two-family dwelling or *townhouse*, or portion thereof used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure.

**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.

**CHILD DAY CARE,** shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

**CONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and that is directly or 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.

**DISTRIBUTED VENTILATION SYSTEM.** This definition is not adopted.

**DISTRIBUTED WHOLE HOUSE VENTILATION.** A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

**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. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.
2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m<sup>2</sup>).

~~((3. One accessory dwelling unit, which need not be considered a separated dwelling unit, provided:~~

- a. The accessory dwelling unit is constructed within an existing dwelling unit.
- b. Either the accessory dwelling unit or primary dwelling unit is owner-occupied.
- e. All required smoke alarms in the accessory dwelling unit and the primary dwelling unit are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.))

**ENERGY STORAGE SYSTEMS (ESS).** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

**FIRE SEPARATION DISTANCE.** The distance measured from the foundation wall or face of the wall framing, whichever is closer, to one of the following:

1. To the closest interior lot line; or
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at a right angle from the wall.

**FLOOR AREA.** The area within the inside perimeter of exterior walls of the building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**LOCAL EXHAUST.** An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

**LOT.** A measured portion or parcel of land considered as a unit having fixed boundaries.

**LOT LINE.** The line which bounds a plot of ground described as a lot in the title to the property.

**MEZZANINE, LOFT.** An intermediate level or levels between the floor and ceiling of any story.

**MIXED VENTILATION ZONE.** This definition is not adopted.

**SALT WATER COASTAL AREA.** Those areas designated as salt water coastal areas by the local jurisdiction.

**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.

**TOWNHOUSE.** A building that contains three or more attached *townhouse units*.

**TOWNHOUSE UNIT.** A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof and that has a yard or public way on not less than two sides that extends at least 50 percent of the length of each of these two sides.

**WHOLE HOUSE VENTILATION SYSTEM.** A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct ((or indirect)) means, air from the habitable rooms with outdoor air.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0301 Design criteria.**

**R301.2 Climatic and geographic design criteria.** Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1). The local jurisdiction shall designate the salt water coastal areas within their jurisdiction.

~~((R301.2.2.3.1 Height limitations. Wood-framed buildings shall be limited to three stories above grade plane or the limits given in Table R602.10.3(3). Cold-formed, steel-framed buildings shall be limited to less than or equal to three stories above grade plane in accordance with AISI S230. Mezzanines that comply with Section R328 shall not be considered as stories. Structural insulated panel buildings shall be limited to two stories above grade plane.))~~

**R301.5 Live load.** The minimum uniformly distributed live load shall be as provided in Table R301.5.

**TABLE R301.5  
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS  
(in pounds per square foot)**

Use	Live Load
Uninhabitable attics without storage <sup>b</sup>	10
Uninhabitable attics with limited storage <sup>b, g</sup>	20
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks <sup>c</sup>	60 <sup>i</sup>
Fire escapes	40
Guards and handrails <sup>d</sup>	200 <sup>h</sup>
Guard in-fill components <sup>f</sup>	50 <sup>h</sup>
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 <sup>e</sup>

((No change to footnotes))

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm, 1 pound = 4.45 N

- a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square-inch area.
- b. Uninhabitable attics without storage are those where the clear height between joists and rafters is not more than 42 inches, or where there are not two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. This live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R507.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Uninhabitable attics with limited storage are those where the clear height between joists and rafters is 42 inches or greater, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:
  - g.1. The attic area is accessed from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is not less than 30 inches.
  - g.2. The slopes of the joists or truss bottom chords are not greater than 2 inches vertical to 12 units horizontal.
  - g.3. Required insulation depth is less than the joist or truss bottom chord member depth. The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.



- h. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.
- i. Where structural tables in Section R507 only specify snow loads, the values corresponding to 70 psf snow loads shall be used.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0302 Section R302—Fire-resistant construction.**

~~((R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 shall comply with Table R302.1(2)).~~

**EXCEPTIONS:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.))

**R302.2 Townhouses.** Each *townhouse* shall be considered a separate building and shall be separated by one of the following methods:

1. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 and a fire sprinkler system in accordance with Section P2904 in both townhouses shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the inside face of the exterior wall((s)) sheathing and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the inside face of the exterior wall((s)) sheathing and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

3. Two wall assemblies meeting the requirements of Section R302.1 for exterior walls shall be provided.

**EXCEPTION:** Common walls are permitted to extend to and be tight against the interior side of the exterior walls if the cavity between the end of the common wall and the inside face of the exterior sheathing is filled, the full depth of the exterior wall, with a minimum of two, two-inch nominal thickness wood studs.

**R302.2.1 Double walls.** Each *townhouse unit* shall be separated from other *townhouse units* by two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

**R302.2.2 Common walls.** Common walls separating *townhouse units* shall be assigned a fire resistance rating in accordance with Item 1 or 2. The common wall shared by *townhouse units* shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with Chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

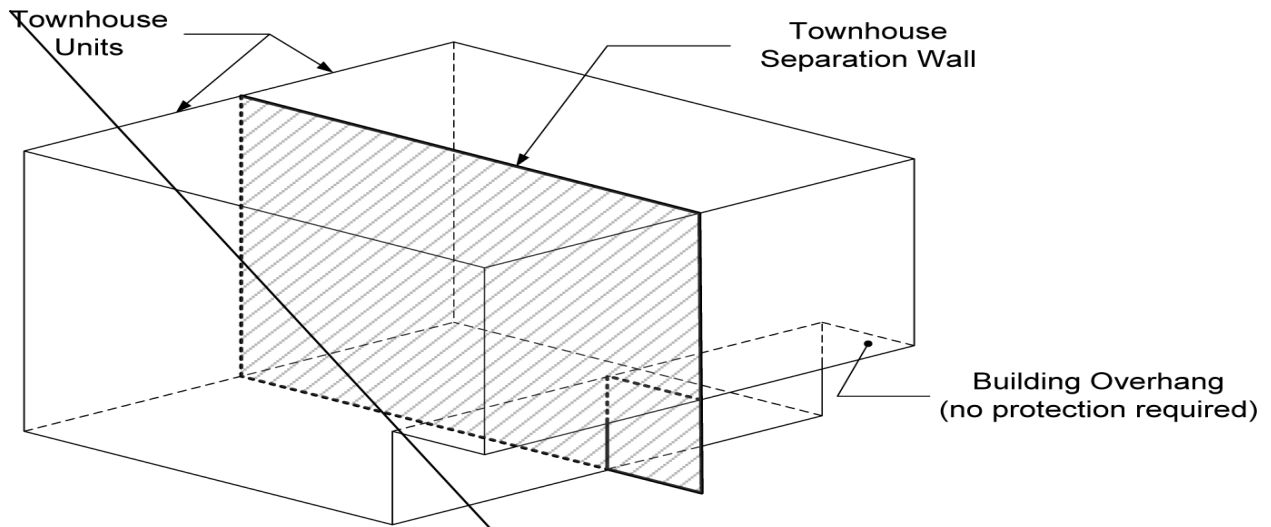
**R302.2.3 Continuity.** The fire-resistance-rated wall or assembly separating ((townhouses)) *townhouse units* shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed *accessory structures*.

Where a story extends beyond the exterior wall of a story below:

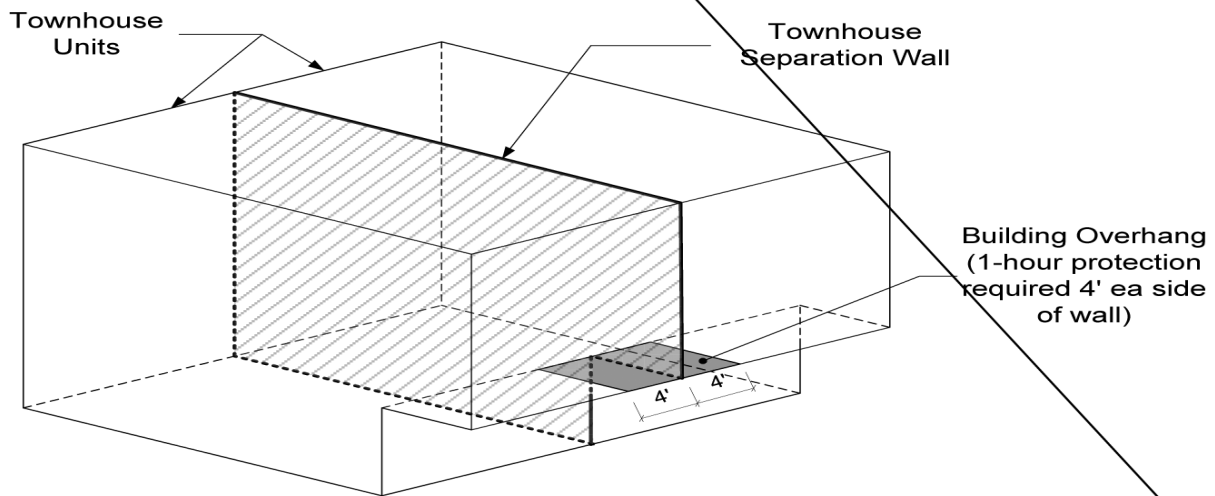
1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story (see Figure R302.2(1)); or

2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302 (see Figure R302.2(2)).

((



**FIGURE R302.2(1)  
EXTENDED TOWNHOUSE SEPARATION WALL**



**FIGURE R302.2(2)  
TOWNHOUSE SEPARATION OVERHANG PROTECTION**

))

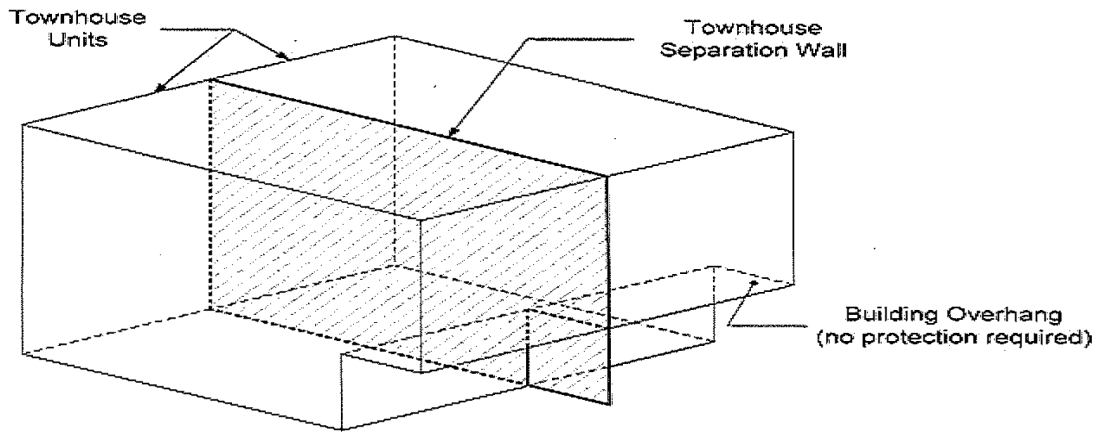


FIGURE R302.2(1)  
EXTENDED TOWNHOUSE SEPARATION WALL

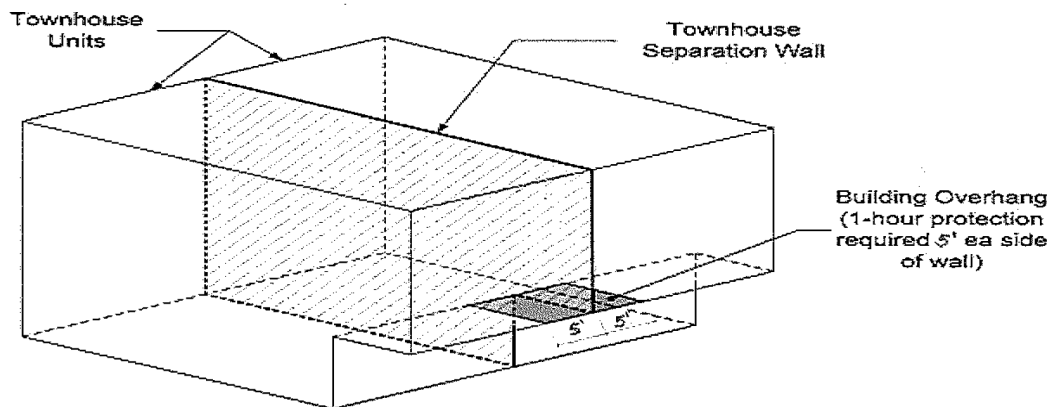


FIGURE R302.2(2)  
TOWNHOUSE SEPARATION OVERHANG PROTECTION

**R302.2.2 Common walls.** Common walls separating *townhouse units* shall be assigned a fire-resistance rating in accordance with Item 1 or 2. The common wall shared by *townhouse units* shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with Chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building Code.

2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building Code.

**R302.2.3 Continuity.** The fire-resistance-rated wall or assembly separating *townhouse units* shall be continuous

from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

**R302.2.4 Parapets for townhouses.** Parapets constructed in accordance with Section R302.2.5 shall be constructed for townhouses as an extension of exterior walls or common walls separating townhouse units in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.

2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762 mm) above the lower roof surface.

EXCEPTION: A parapet is not required in the preceding two cases where the roof covering complies with a minimum Class C rating as tested in accordance with ASTM E108 or UL 790 and the roof decking or sheathing is of noncombustible materials or fire retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a distance of not less than 4 feet (1219 mm) on each side of the wall or walls and any openings or penetrations in the roof are not within 4 feet (1219 mm) of the common walls. Fire retardant-treated wood shall meet the requirements of Sections R802.1.5 and R803.2.1.2.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

#### **OPTION ONE:**

~~((R302.2.4))~~ **R302.2.6 Structural independence.** Each ~~((individual))~~ townhouse unit shall be structurally independent.

EXCEPTIONS:

1. Foundation supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may be fastened to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouse(s) units separated by a common wall as provided in Section R302.2, Item 1 or 2.
6. Floor sheathing may fasten to the floor framing of both units.

#### **OPTION TWO:**

~~((R302.2.4 Structural independence.~~ Each individual townhouse shall be structurally independent.

EXCEPTIONS:

1. Foundation supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may be fastened to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouse separated by a common wall as provided in Section R302.2, Item 1 or 2.
6. Floor sheathing may fasten to the floor framing of both units.))

#### **TABLE R302.1(1)**

##### **EXTERIOR WALLS**

No Change to the Table

- a The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

#### **TABLE R302.1(2)**

##### **EXTERIOR WALLS - DWELLINGS WITH FIRE SPRINKLERS**

No Change to the Table

- a For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance-rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

**R302.3 Two-family dwellings.** Wall and floor/ceiling assemblies separating dwelling units in two-family dwellings shall be constructed in accordance with Section R302.3.1 or R302.3.3. One accessory dwelling unit constructed within an existing dwelling unit need not be considered a separated dwelling unit in a two-family dwelling where all required smoke alarms, in the accessory dwelling unit and the primary dwelling unit, are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.

**R302.3.1 Dwelling units** in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building Code.

EXCEPTION: A fire-resistance rating of 1/2 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.

**R302.3.2** Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and

wall assemblies shall extend from the foundation to the underside of the roof sheathing.

**EXCEPTION:** Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board, an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings and the structural framing supporting the ceiling is protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent.

**((R302.3.1) R302.3.3 Supporting construction.** When floor assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have an equal or greater fire-resistance rating.

**((EXCEPTION:** The supporting construction is not required to be fire-resistance rated where automatic fire sprinklers are installed in accordance with Appendix Q in both dwelling units.))

**R302.4.1 Through penetrations.** Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section R302.4.1.1 or R302.4.1.2.

**EXCEPTION:** Where the penetrating items are steel, ferrous or copper pipes, tubes or conduits, or fire sprinkler piping, the annular space shall be protected as follows:

1. In concrete or masonry wall or floor assemblies, concrete, grout or mortar shall be permitted where installed to the full thickness of the wall or floor assembly or the thickness required to maintain the fire-resistance rating, provided that both of the following are complied with:

1.1. The nominal diameter of the penetrating item is not more than 6 inches (152 mm).

1.2. The area of the opening through the wall does not exceed 144 square inches (92900 mm<sup>2</sup>).

2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E119 or UL 263 time temperature fire conditions under a positive pressure differential of not less than 0.01 inch of water (3 Pa) at the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.

**R302.13 Fire protection of floors.** Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wall-board membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

**EXCEPTIONS:**

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Appendix Q, NFPA 13D, or other approved equivalent sprinkler system.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies shall be permitted to be unprotected when complying with the following:
  - 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet per story.

3.2. Fire blocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.

4. Wood floor assemblies using dimensional lumber or *structural composite lumber* with a cross sectional area equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0303 Section R303—Light, ventilation and heating.**

**R303.1 Natural light.** All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms.

**EXCEPTION:** The glazed areas need not be installed in rooms where artificial light is provided capable of producing an average illumination of 6 footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

**R303.2 Adjoining rooms.** For the purpose of determining light requirements, any room shall be considered as a portion of an adjoining room when at least one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room but not less than 25 square feet (2.3 m<sup>2</sup>).

**EXCEPTION:** Openings required for light shall be permitted to open into a sunroom with thermal isolation or a patio cover, provided there is an openable area between the adjoining room and the sunroom or a patio cover of not less than one-tenth of the floor area of the interior room but not less than 20 square feet (2 m<sup>2</sup>).

**R303.3 Bathrooms.** This section is not adopted.

**R303.4 Minimum ventilation performance.** Dwelling units shall be equipped with local exhaust and whole house ventilation systems designed and installed as specified in Section M1507.

**EXCEPTION:** Additions with less than 500 square feet of conditioned floor area are exempt from the requirements in this Code for Whole House Ventilation Systems.

**R303.5 Opening location.** Outdoor intake and exhaust openings shall be located in accordance with Sections R303.5.1 and R303.5.2.

**R303.5.1 Intake openings.** Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code.

For the purpose of this section, the exhaust from *dwelling unit* toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

**EXCEPTIONS:**

1. The 10-foot (3048 mm) separation is not required where the intake opening is located 3 feet (914 mm) or greater below the contaminant source.

2. Vents and chimneys serving fuel-burning appliances shall be terminated in accordance with the applicable provisions of Chapters 18 and 24.
3. Clothes dryer exhaust ducts shall be terminated in accordance with Section 1502.3.

**R303.5.2 Exhaust openings.** Exhaust air shall not be directed onto walkways. All exhaust ducts shall terminate outside the building. Terminal elements shall have at least the equivalent net free area of the duct work.

**R303.5.2.1 Exhaust ducts.** Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

**R303.7 Interior stairway illumination.** Interior stairways shall be provided with an artificial light source to illuminate the landings and treads. Stairway illumination shall receive primary power from the building wiring. The light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. There shall be a wall switch at each floor level to control the light source where the stairway has six or more risers.

EXCEPTION: A switch is not required where remote, central or automatic control of lighting is provided.

**R303.8 Exterior stairway illumination.** Exterior stairways shall be provided with an artificial light source located at the top landing of the stairway. Stairway illumination shall receive primary power from the building wiring. Exterior stairways providing access to a basement from the outdoor grade level shall be provided with an artificial light source located at the bottom landing of the stairway.

**R303.9 Required glazed openings.** Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.

EXCEPTIONS:

1. Required glazed openings that face into a roofed porch where the porch abuts a street, yard or court are permitted where the longer side of the porch is not less than 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
2. Eave projections shall not be considered as obstructing the clear open space of a yard or court.
3. Required glazed openings that face into the area under a deck, balcony, bay or floor cantilever are permitted where an unobstructed pathway of not less than 36 inches (914 mm) in height, 36 inches (914 mm) in width, and no greater than 60 inches (1524 mm) in length is provided and opens to a yard or court. The pathway shall be measured from the exterior face of the glazed opening, or if the glazed opening is in a window well, at the window well wall furthest from the exterior face of the glazed opening.

**R303.10 Required heating.** When the winter design temperature in Table R301.2(1) is below 60°F (16°C), every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at design temperature. The installation of one or more portable heaters shall not be used to achieve compliance with this section.

EXCEPTION: Unheated recreational tents or yurts not exceeding 500 square feet provided it is not occupied as a permanent dwelling.

~~(R303.9.1)~~ **R303.10.1 Definitions.** For the purposes of this section only, the following definitions apply.

**DESIGNATED AREAS** are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

**SUBSTANTIALLY REMODELED** means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in kind, based on current replacement costs.

~~(R303.9.2)~~ **R303.10.2 Primary heating source.** Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

~~(R303.9.3)~~ **R303.10.3 Solid fuel burning devices.** No new or used solid fuel burning device shall be installed in new or existing buildings unless such device is U.S. Environmental Protection Agency certified or exempt from certification by the United States Environmental Protection Agency and conforms with RCW 70.94.011, 70.94.450, 70.94.453, and 70.94.457.

EXCEPTIONS:

1. Wood cook stoves.
2. Antique wood heaters manufactured prior to 1940.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0308 ((Section R308—Glazing—) Reserved.**

~~(R308.4.4 Glazing in guards and railings.~~ Glazing in guards and railings, including structural baluster panels and nonstructural in-fill panels, regardless of area or height above a walking surface shall be considered to be a hazardous location.

~~R308.4.4.1 Structural glass baluster panels.~~ Guards with structural glass baluster panels shall be installed with an attached top rail or handrail. The top rail or handrail shall be supported by a minimum of three glass baluster panels, or shall be otherwise supported to remain in place should one glass baluster panel fail.

EXCEPTION: An attached top rail or handrail is not required where the glass baluster panels are laminated glass with two or more glass plies of equal thickness and of the same glass type.)

**NEW SECTION**

**WAC 51-51-03100 Section 3100—Emergency escape and rescue openings.**

**R3100.1 Emergency escape and rescue opening required.** Basements, habitable attics and every sleeping room shall

have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court providing an unobstructed path with a width of not less than 36 inches (914 mm) that opens to a public way.

- EXCEPTIONS:
1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m).
  2. Where the *dwelling unit* or *townhouse unit* is equipped with an automatic sprinkler system installed in accordance with Section P2904, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:
    - 2.1. One means of egress complying with Section R311 and one emergency escape and rescue opening.
    - 2.2. Two means of egress complying with Section R311.

**R3100.1.1 Operational constraints and opening control devices.** Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, or special knowledge. Window opening control devices on windows serving as a required emergency escape and rescue opening shall be not more than 70 inches (177.8 cm) above the finished floor and shall comply with ASTM F2090.

**R3100.2.4 Emergency escape and rescue openings under decks and porches.** Emergency escape and rescue openings installed under decks and porches shall be fully openable and provided with an unobstructed pathway of not less than 36 inches (914 mm) in height, 36 inches (914 mm) in width, and no greater than 60 inches (1524 mm) in length that opens to a yard or court. The pathway shall be measured from the exterior face of the glazed opening, or if the glazed opening is in a window well, at the window well wall furthest from the exterior face of the glazed opening.

AMENDATORY SECTION (Amending WSR 10-03-098, filed 1/20/10, effective 7/1/10)

**WAC 51-51-0311 Section R311—Means of egress.**

**R311.4 Vertical egress.** Egress from habitable levels including habitable attics and basements not provided with an egress door in accordance with Section R311.2 shall be by ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

- EXCEPTION: Stairs or ladders within an individual dwelling unit used for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen.

**R311.7.3 Vertical rise.** A flight of stairs shall not have a vertical rise larger than 12 feet 7 inches (3835 mm) between floor levels or landings.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0313 Section R313—Automatic fire sprinkler systems.** ~~((This section is not adopted.))~~ **R313.1**

**Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouse units.

- EXCEPTIONS:
1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing *townhouse units* that do not have an automatic residential fire sprinkler system installed.
  2. *Townhouse* buildings containing no more than four *townhouse units*.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**R313.2 One- and two-family dwellings automatic fire sprinkler system.** This section is not adopted.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0314 Section R314—Smoke alarms and heat detection.**

**R314.1 General.** Smoke alarms, heat detectors, and heat alarms shall comply with NFPA 72 and this section.

**R314.1.1 Listings.** Smoke alarms shall be listed in accordance with UL 217. Heat detectors and heat alarms shall be listed for the intended application. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

**R314.2 Where required.** Smoke alarms, heat detectors, and heat alarms shall be provided in accordance with this section.

**R314.2.1 New construction.** Smoke alarms shall be provided in *dwelling units*. A heat detector or heat alarm shall be provided in new attached garages.

**R314.2.2 Alterations, repairs and additions.** Where *alterations, repairs* or *additions* requiring a permit occur, ~~(( $\text{or}$ ))~~ where one or more sleeping rooms are added or created in existing dwellings, ~~((the individual))~~ or where an accessory dwelling unit is created within an existing *dwelling unit*, each *dwelling unit* shall be equipped with smoke alarms located as required for new dwellings.

- EXCEPTIONS:
1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck are exempt from the requirements of this section.
  2. Installation, *alteration* or repairs of plumbing, electrical or mechanical systems are exempt from the requirements of this section.

**R314.2.3 New attached garages.** A heat detector or heat alarm rated for the ambient outdoor temperatures and humidity shall be installed in new garages that are attached to or located under new and existing dwellings. Heat detectors and heat alarms shall be installed in a central location and in accordance with the manufacturer's instructions.

- EXCEPTION: Heat detectors and heat alarms shall not be required in dwellings without commercial power.

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room or sleeping loft.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
5. In napping areas in a family home child care.

**R314.3.1 Installation near cooking appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1828 mm) horizontally from a permanently installed cooking appliance.

**R314.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.2, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Where an accessory dwelling unit is created within an existing dwelling unit all required smoke alarms, in the accessory dwelling unit and the primary dwelling unit, shall be interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

**EXCEPTION:** Smoke alarms and alarms installed to satisfy Section R314.4.1 shall not be required to be interconnected to existing smoke alarms where such existing smoke alarms are not interconnected or where such new smoke alarm or alarm is not capable of being interconnected to the existing smoke alarms.

**R314.4.1 Heat detection interconnection.** Heat detectors and heat alarms shall be connected to an alarm or a smoke alarm that is installed in the dwelling. Alarms and smoke alarms that are installed for this purpose shall be located in a hallway, room, or other location that will provide occupant notification.

**R314.6 Power source.** Smoke alarms, heat alarms, and heat detectors shall receive their primary power from the building

wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

**EXCEPTIONS:**

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0315 Section R315—Carbon monoxide alarms.**

**R315.1 General.** Carbon monoxide alarms shall comply with Section R315.

**R315.1.1 Listings.** Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide and smoke alarms shall be listed in accordance with UL 2034 and UL 217.

**R315.2 Where required.** Carbon monoxide alarms shall be provided in accordance with Sections R315.2.1 and R315.2.2.

**R315.2.1 New construction.** For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units and on each level of the dwelling in accordance with the manufacturer's recommendation.

**R315.2.2 Alterations, repairs, and additions.** Existing dwellings shall be equipped with carbon monoxide alarms in accordance with Section R315.2.1. An inspection will occur where alterations, repairs, or additions requiring a permit occur, or where one or more sleeping rooms are added or created.

**EXCEPTIONS:**

1. Work involving only the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the inspection requirements of this section.
2. Installation, alteration or repairs of nonfuel burning plumbing or mechanical systems or electrical systems are exempt from the inspection requirements of this section.
3. Owner-occupied single-family residences legally occupied before July 26, 2009. RCW 19.27.530 (2)(b).

**R315.3 Location.** Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each level of the dwelling and in accordance with the manufacturer's recommendations. Where a fuel burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

**R315.4 Combination alarms.** Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.



AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-03240 Section R324—Solar energy systems.**

~~((R324.1 General. Solar energy systems shall comply with the provisions of this section.~~

~~R324.2 Solar thermal systems. Solar thermal systems shall be designed and installed in accordance with Chapter 23 and the *International Fire Code*.)~~

**R324.3 Photovoltaic systems.** Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section and the *International Fire Code*. Section R104.11 alternate materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Photovoltaic systems shall be designed and installed in accordance with Sections R324.3.1 through R324.6 and chapter 19.28 RCW. Inverters shall be listed and labeled in accordance with UL 1741. Systems connected to the utility grid shall use inverters listed for utility interaction.

EXCEPTION: Detached, nonhabitable Group U structures shall not be subject to the requirements of this section for structural and fire safety.

~~((R324.3.1 Equipment listing. Photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703.))~~

**R324.4 Rooftop-mounted photovoltaic systems.** Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with Section 907.

EXCEPTIONS: The roof structure shall be deemed adequate to support the load of the rooftop solar photovoltaic system if all of the following requirements are met:

1. The solar photovoltaic panel system shall be designed for the wind speed of the local area, and shall be installed per the manufacturer's specifications.
2. The ground snow load does not exceed 70 pounds per square foot.
3. The total dead load of modules, supports, mountings, raceways, and all other appurtenances weigh no more than 4 pounds per square foot.
4. Photovoltaic modules are not mounted higher than 18 inches above the surface of the roofing to which they are affixed.
5. Supports for solar modules are to be installed to spread the dead load across as many roof-framing members as needed, so that no point load exceeds 50 pounds.

~~((R324.4.1 Roof load. Portions of roof structures not covered with photovoltaic panel systems shall be designed for dead loads and roof loads in accordance with Sections R301.4 and R301.6. Portions of roof structures covered by photovoltaic panel systems shall be designed for the following load cases:~~

1. Dead load (including photovoltaic panel weight) plus snow load in accordance with Table R301.2(1).
2. Dead load (excluding photovoltaic panel weight), plus roof live load or snow load, whichever is greater, in accordance with Section R301.6.

~~R324.4.2 Wind resistance. Rooftop-mounted photovoltaic panel or module systems and their supports shall be designed to resist the component and cladding loads specified in Table R301.2(2), adjusted for height and exposure in accordance with Table R301.2(3).~~

~~R324.5 Building integrated photovoltaic systems. Building-integrated photovoltaic systems that serve as roof coverings shall be designed and installed in accordance with Section R905.))~~

**R324.5.1 Photovoltaic shingles.** Photovoltaic shingles shall comply with Section R905.16.

~~R324.6 ((Ground-mounted photovoltaic systems. Ground-mounted photovoltaic systems shall be designed and installed in accordance with Section R301.~~

~~R324.7)) This section is not adopted.~~

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0325 Section R325—(~~Adult family homes.~~) Mezzanines.**

~~((SECTION R325  
ADULT FAMILY HOMES~~

~~R325.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.~~

~~R325.2 Reserved.~~

~~R325.3 Sleeping room classification. Each sleeping room in an adult family home shall be classified as:~~

1. Type S—Where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1—Where one means of egress is at grade level or a ramp constructed in accordance with R325.9 is provided.
3. Type NS2—Where two means of egress are at grade level or ramps constructed in accordance with R325.9 are provided.

~~R325.4 Types of locking devices and door activation. All bedroom and bathroom doors shall be openable from the outside when locked.~~

~~Every closet shall be readily openable from the inside.~~

~~Operable parts of door handles, pulls, latches, locks and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.~~

~~The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.~~

~~Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.~~

**~~R325.5 Smoke and carbon monoxide alarm requirements.~~** All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.

**~~R325.6 Escape windows and doors.~~** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

**~~R325.7 Fire apparatus access roads and water supply for fire protection.~~** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

**~~R325.8 Grab bar general requirements.~~** Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs and shower stalls shall be installed according to this section:

**~~R325.8.1 Grab bar cross section.~~** Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inches minimum and 2 inches maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches maximum and a perimeter dimension of 4 inches minimum and 4 5/8 inches maximum.

**~~R325.8.2 Grab bar installation.~~** Grab bars shall have a spacing of 1 1/2 inches between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inches to the grab bar.

EXCEPTION: Swing-up grab bars shall not be required to meet the 1 1/2-inch spacing requirement.

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

**~~R325.8.3 Grab bars at water closets.~~** Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of R325.8. Grab bars shall mount between 33 inches and 36 inches above floor grade. Centerline distance between grab bars, regardless of type used, shall be between 25 inches minimum and 30 inches maximum.

**~~R325.8.3.1 Fixed position grab bars.~~** Fixed position grab bars shall be a minimum of 36 inches in length and start 12 inches from the rear wall.

**~~R325.8.3.2 Swing-up grab bars.~~** Swing-up grab bars shall be a minimum of 28 inches in length from the rear wall.

**~~R325.8.4 Grab bars at bathtubs.~~** Horizontal and vertical grab bars shall meet the requirements of R325.8.

**~~R325.8.4.1 Vertical grab bars.~~** Vertical grab bars shall be a minimum of 18 inches long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches of the exterior of the bath tub edge or within 4 inches within the bath tub. The bottom end of the bar shall start between 36 inches and 42 inches above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor-to-ceiling grab bar meeting the requirements of R325.8 at the control end and head end entry points.

**~~R325.8.4.2 Horizontal grab bars.~~** Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches and 36 inches above floor grade. Control end and head end grab bars shall be 24 inches minimum in length. Back wall grab bar shall be 36 inches minimum in length.

**~~R325.8.5 Grab bars at shower stalls.~~** Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of R325.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

**~~R325.8.5.1 Vertical grab bars.~~** Vertical grab bars shall be 18 inches minimum in length and installed at the control end wall and head end wall. Vertical bars shall be mounted within 4 inches of the exterior of the shower stall or within 4 inches inside the shower stall. The bottom end of vertical bars mount between 36 inches and 42 inches above floor grade.

**~~R325.8.5.2 Horizontal grab bars.~~** Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches and 36 inches above the floor grade. Horizontal grab bars shall be a maximum of 6 inches from adjacent walls. Horizontal grab bars shall not interfere with shower control valves.

**~~R325.9 Ramps.~~** All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with R325.9.1.

**~~R325.9.1 Handrails for ramps.~~** Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with R311.8.3.1 through R311.8.3.3.

**~~R325.10 Stair treads and risers.~~** Stair treads and risers shall be constructed in accordance with R311.7.5. Handrails shall be installed in accordance with R325.10.1.

**~~R325.10.1 Handrails for treads and risers.~~** Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with R311.7.8.1 through R311.7.8.4.

**~~R325.11 Shower stalls.~~** Where provided to meet the requirements for bathing facilities, the minimum size of shower

stalls for an adult family home shall be 30 inches deep by 48 inches long-))

**R325.6 Habitable attic.** *A habitable attic shall be considered to be a story above grade plane.*

EXCEPTION: Where located above the third story, an automatic sprinkler system complying with P2904 or NFPA 13D shall be installed throughout the dwelling or townhouse that includes the habitable attic.

**AMENDATORY SECTION** (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

**WAC 51-51-0326 Section R326—((Family home child care.)) Sleeping lofts.**

~~((R326 Family home child care. For family home child care with more than six children, each floor level used for family child care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.~~

~~Basements located more than 4 feet below grade level shall not be used for family home child care unless one of following conditions exist:~~

~~1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or~~

~~2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or~~

~~3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or~~

~~4. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.~~

~~Floors located more than 4 feet above grade level shall not be occupied by children in family home child care.~~

EXCEPTIONS: 1. Use of toilet facilities while under supervision of an adult staff person.  
2. Family home child care may be allowed on the second story if one of the following conditions exists:  
2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or  
2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or  
2.3 A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

~~Every sleeping or napping room in a family home child care shall have at least one operable window for emergency rescue:~~

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

~~Rooms or spaces containing a commercial type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or~~

~~painting operation shall be separated from the family home child care area by at least one-hour fire-resistive construction.~~

EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors-))

**R326.1 General.** *Sleeping lofts shall comply with Sections R326 through R326.5.*

**R326.2 Sleeping loft area and dimensions.** *Sleeping lofts shall meet the minimum area and dimension requirements of Sections R326.2.1 through R326.2.3.*

**R326.2.1 Area.** *Sleeping lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>) and less than 70 square feet (6.5 m<sup>2</sup>).*

**R326.2.2 Minimum horizontal dimensions.** *Sleeping lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.*

**R326.2.3 Height effect on sleeping loft area.** *Portions of a sleeping loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft but shall contribute to the maximum allowable area.*

EXCEPTION: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a sleeping loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the sleeping loft but shall contribute to the maximum allowable area.

**R326.3 Sleeping loft access and egress.** *The access to and primary egress from sleeping lofts shall be of any type described in Sections R326.3.1 through R326.3.5 and shall meet the sleeping loft where the sleeping loft's ceiling height is not less than 3 feet (914 mm) along the entire width of the access and egress component.*

**R326.3.1 Stairways.** *Stairways accessing sleeping lofts shall comply with Sections R326.3.1.1 through R326.3.1.7.*

**R326.3.1.1 Headroom.** *The headroom above the sleeping loft access and egress shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread, landing, or landing platform nosing's in the center of their width, and vertically from the landing or landing platform along the center of its width.*

**R326.3.1.2 Width.** *Stairways accessing a sleeping loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).*

**R326.3.1.3 Treads and risers.** *Risers for stairs accessing a sleeping loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:*

1. Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a sleeping loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the sleeping loft but shall contribute to the maximum allowable area.

2. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.

**R326.3.1.4 Landings.** Intermediate landings and landings at the bottom of stairways shall comply with Section R311.7.6, except that the depth in the direction of travel shall be not less than 24 inches (508 mm).

**R326.3.1.5 Landing platforms.** The top tread and riser of stairways accessing *sleeping lofts* shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the sleeping loft. The landing platform shall be not less than 18 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the nosing of the landing platform. The landing platform riser height to the edge of the *sleeping loft* floor, shall not be greater than 18 inches (406 to 457 mm) in height.

**R326.3.1.6 Handrails.** Handrails shall comply with Section R311.7.8.

**R326.3.1.7 Stairway guards.** Guards at open sides of stairways, landings, and landing platforms shall comply with Section R312.1.

**R326.3.2 Ladders.** Ladders accessing *sleeping lofts* shall comply with Sections R326.3.2.1 and R326.3.2.2.

**R326.3.2.1 Size and capacity.** Ladders accessing *sleeping lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300 pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

**R326.3.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**R326.3.3 Alternating tread devices.** Alternating tread devices accessing *sleeping lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**R326.3.4 Ships ladders.** Ships ladders accessing *sleeping lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**R326.4 Sleeping loft guards.** *Sleeping loft* guards shall be located along the open side(s) of sleeping lofts. Sleeping loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. *Sleeping loft* guards shall comply with Section R312.1.3 and Table R301.5 for their components.

**R326.5 Emergency escape and rescue openings.** An egress roof access window shall be installed in each *sleeping loft*

and shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *sleeping loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

**AMENDATORY SECTION** (Amending WSR 07-01-090, filed 12/19/06, effective 7/1/07)

**WAC 51-51-0327 Section R327—(~~Protection against radon.~~) *Swimming pools, spas, and hot tubs.***

~~(**R327.1 Protection Against Radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in High Radon Potential Counties (zone 1) designated in Table AF101 (1). The radon control provisions of Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.)~~ **R327.1 General.** The design and construction of swimming pools, spas, and other aquatic recreation facilities shall comply with the 2018 *International Swimming Pool and Spa Code*, if the facility is one of the following:

1. For the sole use of residents and invited guests at a single-family dwelling;

2. For the sole use of residents and invited guests of a duplex owned by the residents; or

3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0328 Section R328—(~~Mezzanines.~~) *Energy storage systems.***

~~(**R328.1 General.** Mezzanines shall comply with Section R328.~~

~~**R328.2 Mezzanines.** The clear height above and below *mezzanine* floor construction shall be not less than 7 feet (2134 mm).~~

~~**R328.3 Area limitation.** The aggregate area of a *mezzanine* or *mezzanines* shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the *mezzanine* is located.~~

~~**R328.4 Means of egress.** The *means of egress* for *mezzanines* shall comply with the applicable provisions of Section R311.~~

~~**R328.5 Openness.** Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 42 inches (1067 mm) in height, columns and posts.~~

EXCEPTIONS: 1. *Mezzanines* or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the *mezzanine* area.

2. *Mezzanines* that are no more than two *stories* above *grade plane* and equipped throughout with an *automatic sprinkler system* in accordance with NFPA 13R, NFPA 13D or Appendix S, and having two or more *means of egress*, shall not be required to be open to the room in which the *mezzanine* is located.)

**R328.1 General.** *Energy storage systems* (ESS) shall comply with the provisions of this section.

**R328.2 Equipment listings.** ESS shall be *listed* and *labeled* for residential use in accordance with UL 9540.

EXCEPTIONS: 1. Where approved, repurposed unlisted battery systems from electric vehicles are allowed to be installed outdoors or in detached sheds located not less than 5 feet (1524 mm) from exterior walls, property lines and public ways.

2. Battery systems that are an integral part of an electric vehicle are allowed provided that the installation complies with Section 625.48 of NFPA 70.

3. Battery systems less than 1 kWh (3.6 megajoules).

**R328.3 Installation.** ESS shall be installed in accordance with the manufacturer's instructions and their listing, if applicable, and shall not be installed within the habitable space of a *dwelling unit*.

**R328.4 Electrical installation.** ESS shall be installed in accordance with NFPA 70. Inverters shall be *listed* and *labeled* in accordance with UL 1741 or provided as part of the UL 9540 listing. Systems connected to the utility grid shall use inverters listed for utility interaction.

**R328.5 Ventilation.** Indoor installations of ESS that include batteries that produce hydrogen or other flammable gases during charging shall be provided with ventilation in accordance with Section M1307.4.

**R328.6 Commissioning.** ESS shall be commissioned as follows:

1. Verify that the system is installed in accordance with the approved plans and manufacturer's instructions and is operating properly.
2. Provide a copy of the manufacturer's installation, operation, maintenance, and decommissioning instructions provided with the *listed* system.
3. Provide a label on the installed system containing the contact information for the qualified maintenance and service providers.

**R328.6.1 Installation prior to closing.** Where the system is installed in a one- or two-family dwelling or townhouse that is owned by the builder and has yet to be sold, commissioning shall be conducted as outlined in Section R327.6, and the builder shall then transfer the required information in Section R327.6 to the homeowner when the property is transferred to the owner at the closing.

**R328.7 Protection from impact.** ESS installed in a location subject to vehicle damage shall be protected by approved barriers.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0329 Section R329—((Swimming pools, spas, and hot tubs.)) Adult family homes.**

**R329.1 General.** ((The design and construction of swimming pools, spas, and other aquatic recreation facilities shall comply with the 2015 International Swimming Pool and Spa Code, if the facility is one of the following:

1. For the sole use of residents and invited guests at a single family dwelling;
2. For the sole use of residents and invited guests of a duplex owned by the residents; or
3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.) This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

**R329.2 Reserved.**

**R329.3 Sleeping room classification.** Each sleeping room in an adult family home shall be classified as:

1. Type S - Where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1 - Where one means of egress is at grade level or a ramp constructed in accordance with R325.9 is provided.
3. Type NS2 - Where two means of egress are at grade level or ramps constructed in accordance with R325.9 are provided.

**R329.4 Types of locking devices and door activation.** All bedroom and bathroom doors shall be operable from the outside when locked.

Every closet shall be readily openable from the inside.

Operable parts of door handles, pulls, latches, locks and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.

The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.

Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.

**R329.5 Smoke and carbon monoxide alarm requirements.** All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.

**R329.6 Escape windows and doors.** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill

height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

**R329.7 Fire apparatus access roads and water supply for fire protection.** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

**R329.8 Grab bar general requirements.** Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs and shower stalls shall be installed according to this section.

**R329.8.1 Grab bar cross section.** Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inch minimum and 2 inches maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches maximum and a perimeter dimension of 4 inches minimum and 4 5/8 inches maximum.

**R329.8.2 Grab bar installation.** Grab bars shall have a spacing of 1 1/2 inch between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inch to the grab bar.

EXCEPTION: Swing-up grab bars shall not be required to meet the 1 1/2 inch spacing requirement.

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

**R329.8.3 Grab bars at water closets.** Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of R325.8. Grab bars shall mount between 33 inches and 36 inches above floor grade. Center-line distance between grab bars, regardless of type used, shall be between 25 inches minimum and 30 inches maximum.

**R329.8.3.1 Fixed position grab bars.** Fixed position grab bars shall be a minimum of 36 inches in length and start 12 inches from the rear wall.

**R329.8.3.2 Swing-up grab bars.** Swing-up grab bars shall be a minimum of 28 inches in length from the rear wall.

**R329.8.4 Grab bars at bathtubs.** Horizontal and vertical grab bars shall meet the requirements of R325.8.

**R329.8.4.1 Vertical grab bars.** Vertical grab bars shall be a minimum of 18 inches long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches of the exterior of the bath tub edge or within 4 inches within the bath tub. The bottom end of the bar shall start between 36 inches and 42 inches above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor to ceiling grab bar meeting the requirements of R325.8 at the control end and head end entry points.

**R329.8.4.2 Horizontal grab bars.** Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches and 36 inches above floor grade. Control end and head end grab bars shall be 24 inches minimum in length. Back wall grab bar shall be 36 inches minimum in length.

**R329.8.5 Grab bars at shower stalls.** Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of R325.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

**R329.8.5.1 Vertical grab bars.** Vertical grab bars shall be 18 inches minimum in length and installed at the control end wall and head end wall. Vertical bars shall be mounted within 4 inches of the exterior of the shower stall or within 4 inches inside the shower stall. The bottom end of vertical bars mount between 36 inches and 42 inches above floor grade.

**R329.8.5.2 Horizontal grab bars.** Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches and 36 inches above the floor grade. Horizontal grab bars shall be a maximum of 6 inches from adjacent walls. Horizontal grab bars shall not interfere with shower control valves.

**R329.9 Ramps.** All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with R325.9.1.

**R329.9.1 Handrails for ramps.** Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with R311.8.3.1 through R311.8.3.3.

**R329.10 Stair treads and risers.** Stair treads and risers shall be constructed in accordance with R311.7.5. Handrails shall be installed in accordance with R325.10.1.

**R329.10.1 Handrails for treads and risers.** Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with R311.7.8.1 through R311.7.8.4.

**R329.11 Shower stalls.** Where provided to meet the requirements for bathing facilities, the minimum size of shower stalls for an adult family home shall be 30 inches deep by 48 inches long.

## NEW SECTION

**WAC 51-51-0330 Section R330—Family home child care.**

**R330 Family home child care.** For family home child care with more than six children, each floor level used for family child care purposes shall be served by two remote means of

egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family home child care unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor;
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above;
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family home child care.

- EXCEPTIONS:
1. Use of toilet facilities while under supervision of an adult staff person;
  2. Family home child care may be allowed on the second story if one of the following conditions exists:
    - 2.1. Stairways from the second story open directly to the exterior of the building without entering the first floor;
    - 2.2. One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
    - 2.3. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Every sleeping or napping room in a family home child care shall have at least one operable window for emergency rescue.

- EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family home child care area by at least 1-hour fire-resistive construction.

- EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

## NEW SECTION

### **WAC 51-51-0331 Section R331—Protection against radon.**

**R331.1 Protection against radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in high radon potential counties (zone 1) designated in Table AF101(1). The radon control provisions of Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.

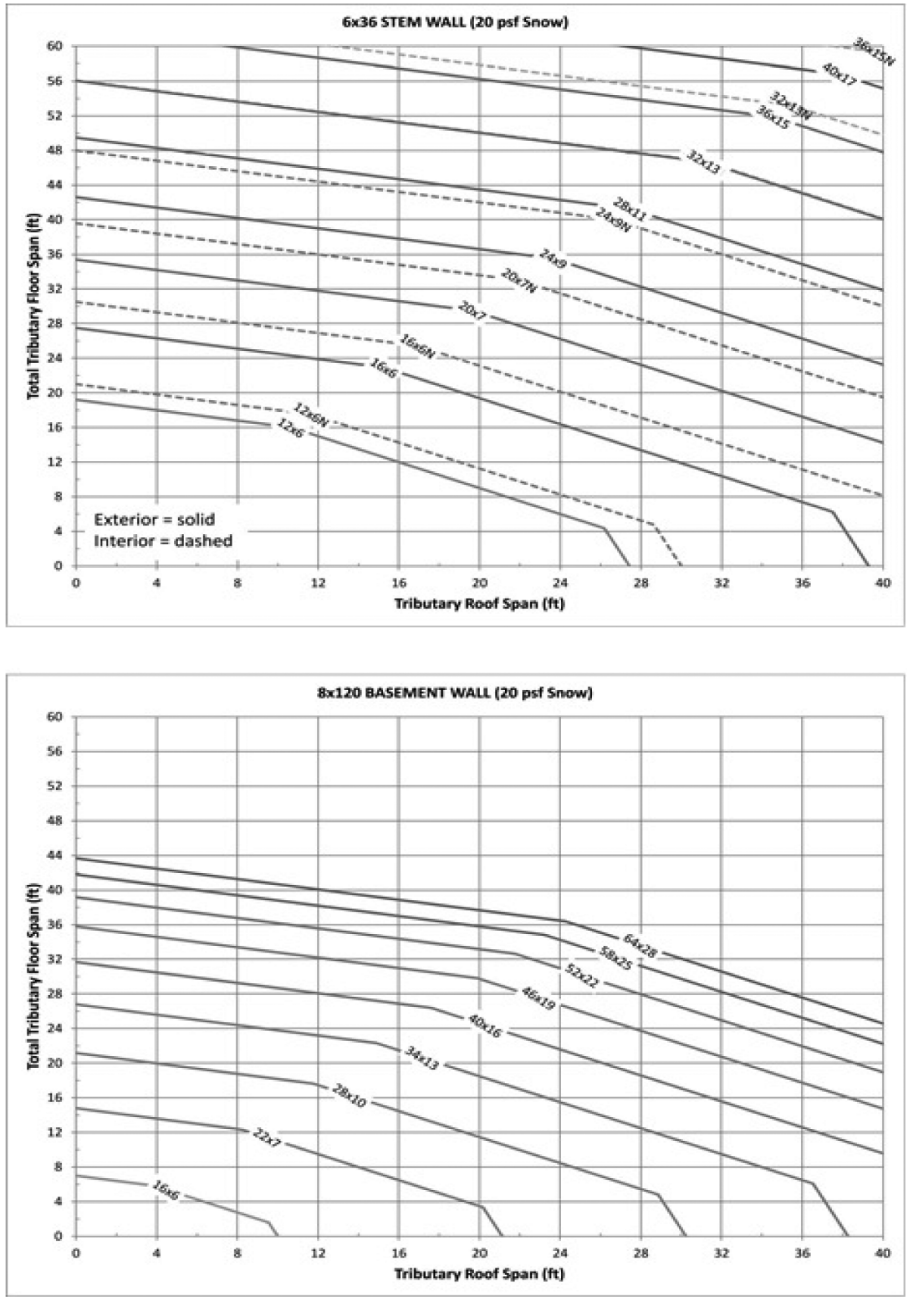
AMENDATORY SECTION (Amending WSR 19-03-036, filed 1/7/19, effective 7/1/19)

### **WAC 51-51-0403 Section R403—Footings.**

**R403.1.1 Minimum size.** The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

- EXCEPTION: Light-frame construction shall be permitted to have minimum footing size in accordance with Figures R403.1.1(1) through R403.1.1(4) in lieu of that determined by Table R403.1(1).

Figure R403.1.1(1)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 20 PSF Snow Load

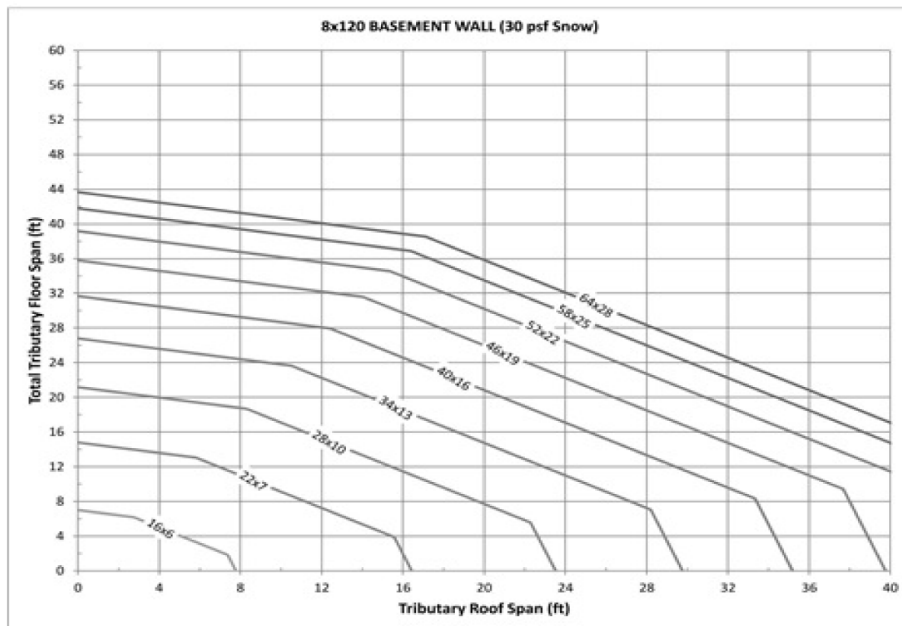
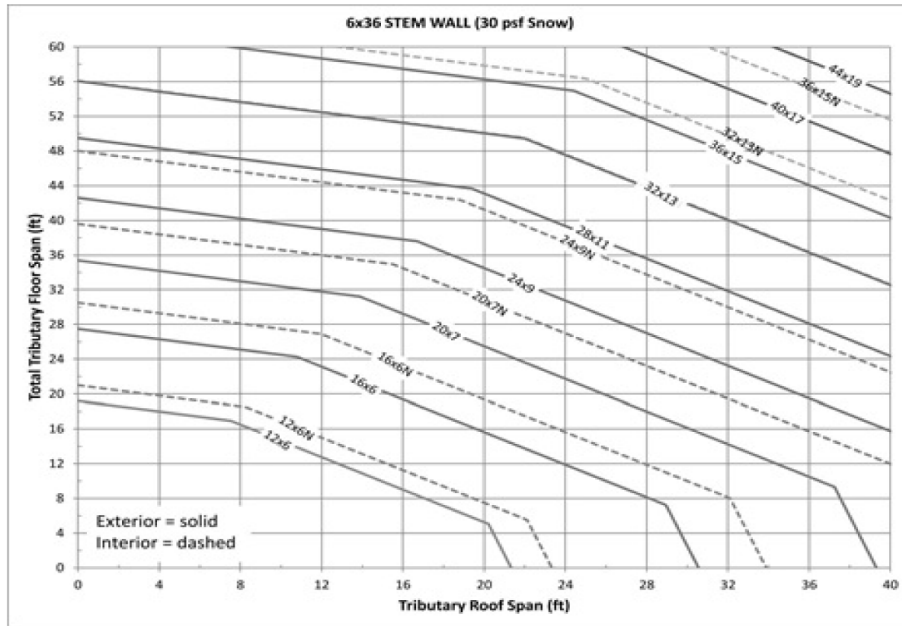


- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
  - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
  - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
  - f Dashed line may be used for interior footing size only.



- g Use footing size indicated on line above the span combination used.
- h For span combinations above the upper line, a design professional is required.
- i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

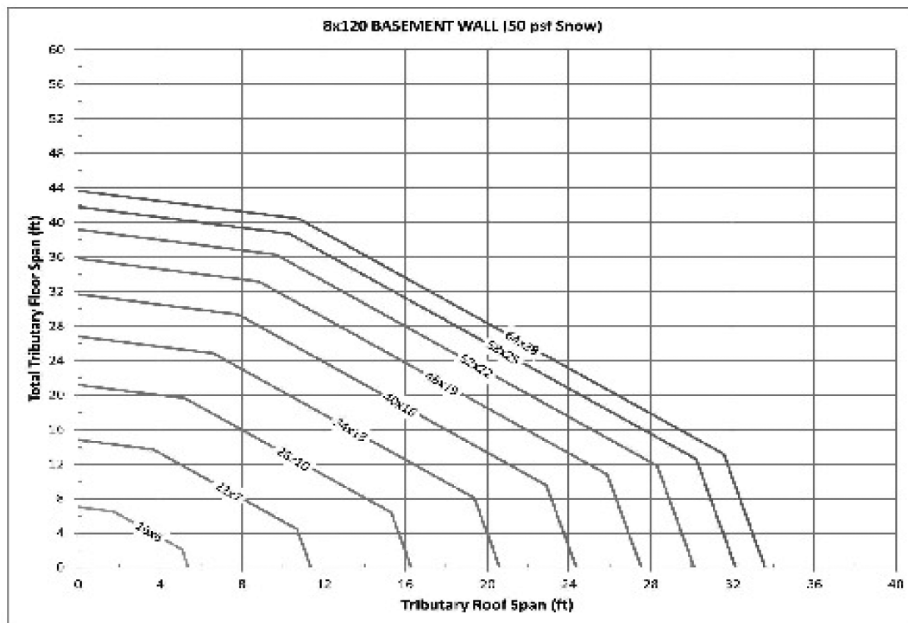
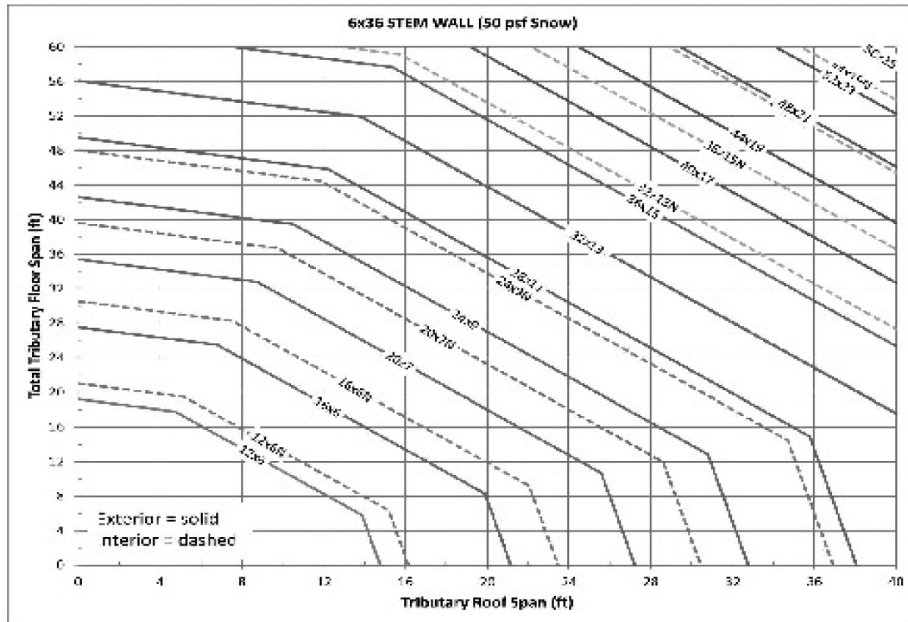
Figure R403.1.1(2)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 30 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).

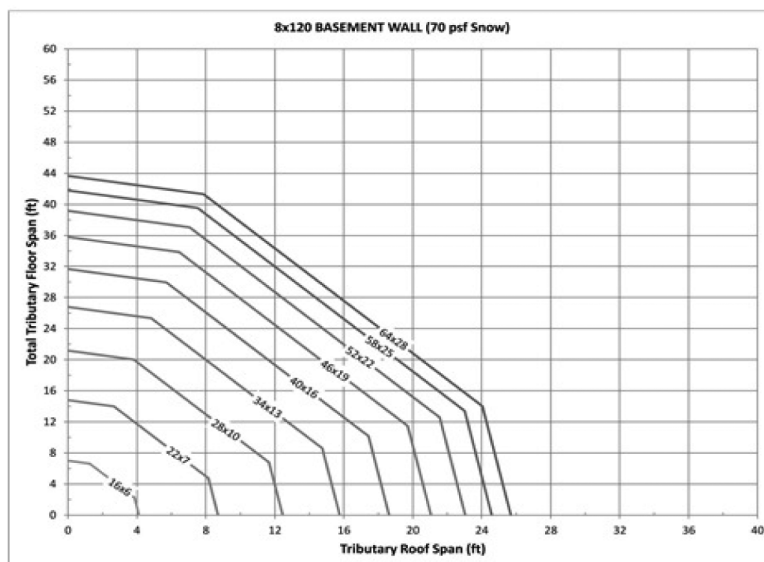
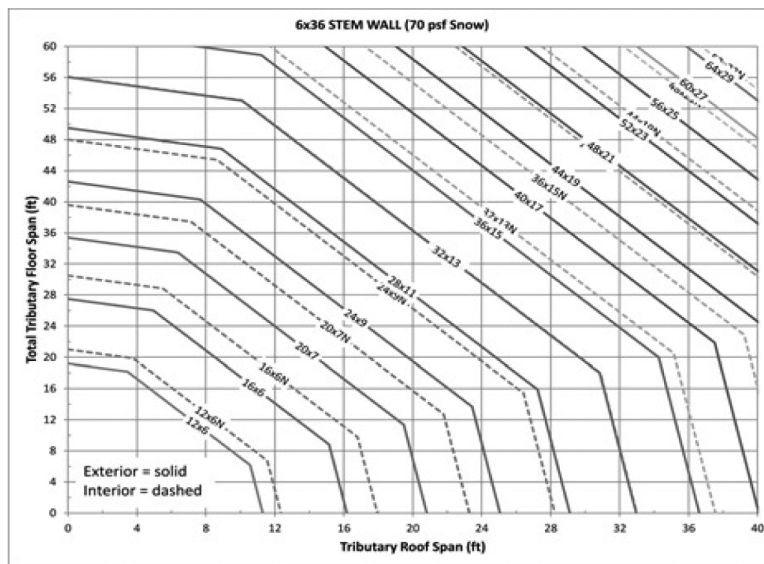
- d Multiply floor span by 1.25 for interior footings supporting continuous joists.
- e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
- f Dashed line may be used for interior footing size only.
- g Use footing size indicated on line above the span combination used.
- h For span combinations above the upper line, a design professional is required.
- i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(3)  
Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
50 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
  - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
  - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
  - f Dashed line may be used for interior footing size only.
  - g Use footing size indicated on line above the span combination used.
  - h For span combinations above the upper line, a design professional is required.
  - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(4)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 70 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations:  $LC1=D+L$ ,  $LC2=D+S$  and  $LC3=D+0.75(L+S)$ , where D=dead load, L=live load, S=snow load.  $TL=\max(LC1, LC2, LC3)$ .
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
  - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
  - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
  - f Dashed line may be used for interior footing size only.
  - g Use footing size indicated on line above the span combination used.
  - h For span combinations above the upper line, a design professional is required.
  - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

**R403.1.6 Foundation anchorage.** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates in accordance with Section R505.3.1 or R603.3.1, as applicable. Wood sill plates supporting cold-formed steel framing shall be anchored to the foundation in accordance with this section.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum 1/2-inch-diameter (12.7 mm) anchor bolts spaced not greater than 6 feet (1829 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend not less than 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be not fewer than two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318. Anchor bolts are allowed to be located after the concrete is placed and before it has set as referenced ACI 332.

- EXCEPTIONS:**
1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with not fewer than one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).
  2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

**R404.1.3.3.6 Form materials and form ties.** Forms shall be made of wood, steel, aluminum, plastic, a composite of cement and foam insulation, a composite of cement and wood chips, or other approved material suitable for supporting and containing concrete. Forms shall be positioned and secured before placing concrete and shall provide sufficient strength

to contain concrete during the concrete placement operation. Form ties shall be steel, solid plastic, foam plastic, a composite of cement and wood chips, a composite of cement and foam plastic, or other suitable material capable of resisting the forces created by fluid pressure of fresh concrete.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0507 Section R507—Decks.**

~~((R507.2.4 Deck lateral load connections. The lateral load connection required by Section R507.1 shall be permitted to be in accordance with Figure R507.2.3(1) or R507.2.3(2). Where the lateral load connection is provided in accordance with Figure R507.2.3(1))~~ **R507.1 Decks.** Wood-framed decks shall be in accordance with this section. Decks shall be designed for the live load required in Section R301.5 or the ground snow load indicated in Table R301.2(1), whichever is greater. For decks using materials and conditions not prescribed in this section, refer to Section R301.

**TABLE R507.3.1**  
**MINIMUM FOOTING SIZE FOR DECKS**

LIVE OR GROUND SNOW LOAD <sup>b</sup> (psf)	TRIBUTARY AREA <sup>c</sup> (sq.ft.)	SOIL BEARING CAPACITY <sup>a,d</sup>								
		1500 psf			2000 psf			≥ 3000 psf		
		Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness <sup>f</sup> (inches)	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness <sup>f</sup> (inches)	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness <sup>f</sup> (inches)
40	5	7	8	6	7	8	6	7	8	6
	20	10	10	6	9	9	6	7	8	6
	40	14	14	7	12	13	6	10	10	6
	60	17	18	9	15	15	8	12	13	6
	80	20	22	7	17	19	6	14	16	6
	100	22	25	8	19	21	6	15	17	6
	120	24	27	9	21	23	7	17	19	6
	140	26	29	10	22	25	8	18	21	6
	160	28	31	11	24	27	9	20	22	7
50	5	7	8	6	7	8	6	7	8	6
	20	11	12	6	10	10	6	8	8	6
	40	16	16	6	8	14	6	11	12	6
	60	19	21	6	16	18	6	13	15	6
	80	21	24	8	19	21	6	15	17	6
	100	24	27	9	21	23	7	17	19	6
	120	26	30	10	23	26	8	19	21	6
	140	28	32	11	25	28	9	20	23	7
	160	30	34	12	26	30	10	21	24	8
60	5	7	8	6	7	8	6	7	8	6
	20	12	13	6	11	11	6	9	9	6
	40	17	18	6	15	15	8	12	13	6
	60	20	23	7	17	20	6	14	16	6
	80	23	26	9	20	23	7	16	19	6
	100	26	29	10	22	25	8	18	21	6
	120	28	32	11	25	28	9	20	23	7
	140	31	35	12	27	30	10	22	24	8
	160	33	37	13	28	32	11	23	26	9
70	6	7	8	6	7	8	6	7	8	6
	20	13	14	7	11	12	6	9	10	6
	40	18	19	9	16	17	8	13	14	7
	60	21	24	8	19	21	6	15	17	6
	80	25	28	9	21	24	8	18	20	6
	100	28	31	11	24	27	9	20	22	7
	120	30	34	12	26	30	10	21	24	8
	140	33	37	13	28	32	11	23	26	9
	160	35	40	15	30	34	12	25	28	9

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted, extrapolation not permitted.
- b. Based on highest load case: Dead + Live or Dead + Snow.
- c. Footing dimensions shall allow complete bearing of the post.
- d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides.
- e. Area, in square feet, of deck surface supported by post and footings.
- f. Minimum thickness shall only apply to plain concrete footings.

**R507.4 Deck posts.** For single-level decks, wood deck post size shall be in accordance with Table R507.4.

**TABLE R507.4  
DECK POST HEIGHT**

LOADS <sup>b</sup> (psf)	POST SPECIES <sup>c</sup>	POST SIZE	TRIBUTARY AREA <sup>a,b</sup> (square feet)							
			20	40	60	80	100	120	140	160
			MAXIMUM DECK POST HEIGHT <sup>a</sup> (feet-inches)							
40 Live Load	Southern Pine	4×4	14-0	13-8	11-0	9-5	8-4	7-5	6-9	6-2
		4×6	14-0	14-0	13-11	12-0	10-8	9-8	8-10	8-2
		6×6	14-0	14-0	11-0	14-0	14-0	14-0	14-0	14-0
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	4×4	14-0	13-6	10-10	9-3	8-0	7-0	6-2	5-3
		4×6	14-0	14-0	13-10	11-10	10-6	9-5	8-7	7-10
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4×4	14-0	12-1	9-8	8-22	7-1	6-2	5-3	4-2
		4×6	14-0	14-0	12-4	10-7	9-4	8-4	7-7	6-11
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	14-0	12-10
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
50 Ground Snow Load	Southern Pine	4×4	14-0	12-2	9-10	8-5	7-5	9-7	5-11	5-4
		4×6	14-0	14-0	12-6	10-9	9-6	8-7	7-10	7-3
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	14-0	13-4
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	4×4	14-0	12-1	9-8	8-2	7-1	6-2	5-3	4-2
		4×6	14-0	14-0	12-4	10-7	9-4	8-4	7-7	6-11
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	14-0	12-10
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4×4	14-0	11-8	9-0	6-10	3-7	NP	NP	NP
		4×6	14-0	14-0	12-0	10-0	8-6	7-0	5-3	NP
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	10-8	2-4
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
60 Ground Snow Load	Southern Pine	4×4	14-0	11-1	8-11	7-7	6-7	5-10	5-2	4-6
		4×6	14-0	14-0	11-4	9-9	8-7	7-9	7-1	6-6
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	12-9	11-2
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	4×4	14-0	10-11	8-8	7-3	6-2	5-0	3-7	NP
		4×6	14-0	13-11	11-2-	9-7	8-4	7-5	6-8	5-11
		6×6	14-0	14-0	14-0	14-0	14-0	14-0	12-2	10-2
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4×4	14-0	10-6	7-9	4-7	NP	NP	NP	NP
		4×6	14-0	13-7	10-9	8-9	7-0	4-9	NP	NP
		6×6	14-0	14-0	14-0	14-0	14-0	9-9	NP	NP
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0

LOADS <sup>b</sup> (psf)	POST SPECIES <sup>c</sup>	POST SIZE	TRIBUTARY AREA <sup>g,h</sup> (square feet)							
			<u>20</u>	<u>40</u>	<u>60</u>	<u>80</u>	<u>100</u>	<u>120</u>	<u>140</u>	<u>160</u>
			MAXIMUM DECK POST HEIGHT <sup>a</sup> (feet-inches)							
70 Ground Snow Load	Southern Pine	4×4	14-0	10-2	8-2	6-11	5-11	5-2	4-4	3-4
		4×6	14-0	12-11	10-5	8-11	7-10	7-1	6-5	5-10
		6×6	14-0	14-0	14-0	14-0	14-0	12-9	10-11	8-7
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>g</sup>	4×4	14-0	10-1	7-11	6-6	5-3	3-7	NP	NP
		4×6	14-0	12-10	10-3	8-9	7-7	6-8	5-10	4-11
		6×6	14-0	14-0	14-0	14-0	14-0	12-2	9-9	5-9
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4×4	14-0	9-5	6-5	NP	NP	NP	NP	NP
		4×6	14-0	12-6	9-8	7-7	5-3	NP	NP	NP
		6×6	14-0	14-0	14-0	14-0	10-8	NP	NP	NP
		8×8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 pound per square foot = 0.0479 kPa, NP = Not permitted.

- a. Measured from the underside of the beam to top of footing or pier.
- b. 10 psf dead load. Snow load not assumed to be concurrent with live load.
- c. No. 2 grade, wet service factor included.
- d. Notched deck posts shall be sized to accommodate beam size per in accordance with Section R507.5.2.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Area, in square feet, of deck surface supported by post and footing.
- h. Interpolation permitted. Extrapolation not permitted.

**R507.5 Deck beams.** Maximum allowable spans for wood deck beams, as shown in Figure R507.5, shall be in accordance with Tables R507.5(1) through R507(4). Beam plies shall be fastened with two rows of 10d (3-inch × 0.128-inch) nails minimum at 16 inches (406 mm) on center along each edge. Beams shall be permitted to cantilever at each end up to one-fourth of the allowable beam span. Deck beams of other materials shall be permitted where designed in accordance with accepted engineering practices.

**TABLE R507.5(1)**  
**MAXIMUM DECK BEAM SPAN - 40 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>ai</sup> (feet)						
		6	8	10	12	14	16	18
		MAXIMUM BEAM SPAN <sup>ab,f</sup> (feet-inches)						
Southern Pine	1-2×6	4-7	4-0	3-7	3-3	3-0	2-10	2-7
	1-2×8	5-10	5-1	4-6	4-1	3-10	3-7	3-4
	1-2×10	6-11	6-0	5-4	4-11	4-6	4-3	4-0
	1-2×12	8-2	7-1	6-4	5-9	5-4	5-0	4-8
	2-2×6	6-10	5-11	5-3	4-10	4-6	4-2	3-11
	2-2×8	8-8	7-6	6-9	6-2	5-8	5-4	5-0
	2-2×10	10-4	8-11	8-0	7-3	6-9	6-4	5-11
	2-2×12	12-2	10-6	9-5	8-7	7-11	7-5	7-0
	3-2×6	8-6	7-5	6-8	6-1	5-7	5-3	4-11
	3-2×8	10-11	9-5	8-5	7-8	7-1	6-8	6-3
	3-2×10	12-11	11-2	10-0	9-1	8-5	7-11	7-5
3-2×12	15-3	13-2	11-9	10-9	9-11	9-4	8-9	
Douglas fir-larch <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	4-1	3-6	3-0	2-6	2-1	1-10	1-7
	1-2×8	5-6	4-9	4-0	3-3	2-9	2-5	2-1
	1-2×10	6-8	5-10	5-1	4-2	3-6	3-1	2-8
	1-2×12	7-9	6-9	6-0	5-1	4-4	3-9	3-3
	2-2×6	6-1	5-3	4-9	4-4	4-0	3-8	3-3
	2-2×8	8-2	7-1	6-4	5-9	5-4	4-10	4-3
	2-2×10	10-0	8-7	7-9	7-0	6-6	6-1	5-5
	2-2×12	11-7	10-0	8-11	8-2	7-7	7-1	6-7
	3-2×6	7-8	6-7	5-11	5-5	5-0	4-8	4-5
	3-2×8	10-3	8-3	7-11	7-3	6-8	6-3	5-11
	3-2×10	12-6	10-10	9-8	8-10	8-2	7-8	7-2
3-2×12	14-6	12-7	11-3	10-3	9-6	8-11	8-5	
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	4-2	3-7	3-1	2-7	2-2	1-10	1-8
	1-2×8	5-4	4-7	4-1	3-4	2-10	2-6	2-2
	1-2×10	6-6	5-7	5-0	4-3	3-8	3-2	2-9
	1-2×12	7-6	6-6	5-10	5-3	4-5	3-10	3-5
	2-2×6	6-2	5-4	4-10	4-5	4-1	3-9	3-4
	2-2×8	7-10	6-10	6-1	5-7	5-2	4-10	4-4
	2-2×10	9-7	8-4	7-5	6-9	6-3	5-10	5-6
	2-2×12	11-1	9-8	8-7	7-10	7-3	6-10	6-5
	3-2×6	7-8	6-9	6-0	5-6	5-1	4-9	4-6
	3-2×8	9-10	8-6	7-7	6-11	6-5	6-0	5-8
	3-2×10	12-0	10-5	9-4	8-6	7-10	7-4	6-11
3-2×12	13-11	12-1	10-9	9-10	9-1	8-6	8-1	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

a. Interpolation permitted. Extrapolation not permitted.



- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf,  $L/\Delta = 360$  at main span,  $L/\Delta = 180$  at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**TABLE R507.5(2)**  
**MAXIMUM DECK BEAM SPAN - 50 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		6	8	10	12	14	16	18
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
Southern Pine	1-2×6	4-2	3-8	3-3	2-11	2-9	2-5	2-2
	1-2×8	5-4	4-7	4-1	3-9	3-6	3-3	2-10
	1-2×10	6-4	5-6	4-11	4-6	4-2	3-10	3-8
	1-2×12	7-6	6-5	5-9	5-3	4-10	4-7	4-3
	2-2×6	6-3	5-5	4-10	4-5	4-1	3-10	3-7
	2-2×8	7-11	6-10	6-2	5-7	5-2	4-10	4-7
	2-2×10	9-5	8-2	7-3	6-8	6-2	5-9	5-5
	2-2×12	11-1	9-7	8-7	7-10	7-3	6-9	6-5
	3-2×6	7-10	6-9	6-1	5-6	5-1	4-9	4-6
	3-2×8	9-11	8-7	7-8	7-0	6-6	6-16	5-9
	3-2×10	11-9	10-2	9-1	8-4	7-8	7-2	6-9
3-2×12	13-11	12-0	10-9	9-10	9-1	8-6	8-0	
Douglas fir-larch <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	3-9	3-3	2-6	2-1	1-9	1-6	1-4
	1-2×8	5-0	4-3	3-4	2-9	2-3	2-0	1-9
	1-2×10	6-1	5-4	4-3	3-6	2-11	2-6	2-3
	1-2×12	7-1	6-2	5-2	4-3	3-7	3-1	2-9
	2-2×6	5-7	4-10	4-4	3-11	3-6	3-0	2-8
	2-2×8	7-5	6-5	5-9	5-3	4-7	4-0	3-6
	2-2×10	9-1	7-10	7-0	6-5	5-11	5-1	4-6
	2-2×12	10-7	9-2	8-2	7-5	6-11	6-3	5-6
	3-2×6	7-0	6-0	5-5	4-11	4-7	4-3	4-0
	3-2×8	9-4	8-1	7-3	6-7	6-1	5-8	5-4
	3-2×10	11-5	9-10	8-10	8-1	7-5	7-0	6-7
3-2×12	13-3	11-6	10-3	9-5	8-8	8-1	7-8	

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		<u>6</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	3-10	3-4	2-7	2-2	1-10	1-7	1-5
	1-2×8	4-10	4-2	3-5	2-10	2-4	2-1	1-10
	1-2×10	5-11	5-1	4-4	3-7	3-0	2-8	2-4
	1-2×12	6-10	5-11	5-4	4-4	3-8	3-2	2-10
	2-2×6	5-8	4-11	4-5	4-0	3-7	3-1	2-9
	2-2×8	7-2	6-3	5-7	5-1	4-8	4-1	3-8
	2-2×10	8-9	7-7	6-9	6-2	5-9	5-3	4-8
	2-2×12	10-2	8-10	7-10	7-2	6-8	6-3	5-8
	3-2×6	7-1	6-2	5-6	5-0	4-8	4-4	4-1
	3-2×8	9-0	7-9	6-11	6-4	5-11	5-6	5-2
	3-2×10	11-0	9-6	8-6	7-9	7-2	6-9	6-4
	3-2×12	12-9	11-0	9-10	9-0	8-4	7-9	7-4

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at main span, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**TABLE R507.5(3)**  
**MAXIMUM DECK BEAM SPAN - 60 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		<u>6</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
Southern Pine	1-2×6	3-11	3-4	3-0	2-9	2-5	2-1	1-10
	1-2×8	4-11	4-3	3-10	3-6	3-2	2-9	2-5
	1-2×10	5-10	5-1	4-6	4-2	3-10	3-6	3-1
	1-2×12	6-11	6-0	5-4	4-10	4-6	4-3	3-10
	2-2×6	5-9	5-0	4-6	4-1	3-9	3-6	3-4
	2-2×8	7-4	6-4	5-8	5-2	4-9	4-6	4-3
	2-2×10	8-8	7-6	6-9	6-2	5-8	5-4	5-0
	2-2×12	10-3	8-11	7-11	7-3	6-8	6-3	5-11
	3-2×6	7-3	6-3	5-7	5-1	4-9	4-5	4-2
	3-2×8	9-2	7-11	7-1	6-6	6-0	5-7	5-3
	3-2×10	10-11	9-5	8-5	7-8	7-2	6-8	6-3
	3-2×12	12-10	11-2	9-11	9-1	8-5	7-10	7-5

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		<u>6</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
<u>Douglas fir-larch<sup>g</sup>, Spruce-pine-fir<sup>g</sup></u>	<u>1-2×6</u>	<u>3-5</u>	<u>2-9</u>	<u>2-2</u>	<u>1-9</u>	<u>1-6</u>	<u>1-3</u>	<u>1-1</u>
	<u>1-2×8</u>	<u>4-8</u>	<u>3-8</u>	<u>2-10</u>	<u>2-4</u>	<u>1-11</u>	<u>1-8</u>	<u>1-6</u>
	<u>1-2×10</u>	<u>5-8</u>	<u>4-8</u>	<u>3-8</u>	<u>3-0</u>	<u>2-6</u>	<u>2-2</u>	<u>1-11</u>
	<u>1-2×12</u>	<u>6-7</u>	<u>5-8</u>	<u>4-5</u>	<u>3-7</u>	<u>3-1</u>	<u>2-7</u>	<u>2-3</u>
	<u>2-2×6</u>	<u>5-2</u>	<u>4-5</u>	<u>4-0</u>	<u>3-6</u>	<u>3-0</u>	<u>1-11</u>	<u>1-8</u>
	<u>2-2×8</u>	<u>6-11</u>	<u>5-11</u>	<u>5-4</u>	<u>4-8</u>	<u>3-11</u>	<u>3-5</u>	<u>3-0</u>
	<u>2-2×10</u>	<u>8-5</u>	<u>7-3</u>	<u>6-6</u>	<u>5-11</u>	<u>5-1</u>	<u>4-5</u>	<u>3-10</u>
	<u>2-2×12</u>	<u>9-9</u>	<u>8-5</u>	<u>7-7</u>	<u>6-11</u>	<u>6-2</u>	<u>5-4</u>	<u>4-8</u>
	<u>3-2×6</u>	<u>6-5</u>	<u>5-7</u>	<u>5-0</u>	<u>4-7</u>	<u>4-3</u>	<u>3-11</u>	<u>3-5</u>
	<u>3-2×8</u>	<u>8-8</u>	<u>7-6</u>	<u>6-8</u>	<u>6-1</u>	<u>5-8</u>	<u>5-2</u>	<u>4-7</u>
	<u>3-2×10</u>	<u>10-7</u>	<u>9-2</u>	<u>8-2</u>	<u>7-5</u>	<u>6-11</u>	<u>6-5</u>	<u>5-10</u>
	<u>3-2×12</u>	<u>12-3</u>	<u>10-8</u>	<u>9-6</u>	<u>8-8</u>	<u>8-0</u>	<u>7-6</u>	<u>7-1</u>
<u>Redwood<sup>h</sup>, Western Cedars<sup>h</sup>, Ponderosa Pine<sup>h</sup>, Red Pine<sup>h</sup></u>	<u>1-2×6</u>	<u>3-6</u>	<u>2-10</u>	<u>2-3</u>	<u>1-10</u>	<u>1-7</u>	<u>1-4</u>	<u>1-2</u>
	<u>1-2×8</u>	<u>4-6</u>	<u>3-9</u>	<u>2-11</u>	<u>2-5</u>	<u>2-0</u>	<u>1-9</u>	<u>1-7</u>
	<u>1-2×10</u>	<u>5-6</u>	<u>4-9</u>	<u>3-9</u>	<u>3-1</u>	<u>2-7</u>	<u>2-3</u>	<u>2-0</u>
	<u>1-2×12</u>	<u>6-4</u>	<u>5-6</u>	<u>4-7</u>	<u>3-9</u>	<u>3-2</u>	<u>2-9</u>	<u>2-5</u>
	<u>2-2×6</u>	<u>5-3</u>	<u>4-6</u>	<u>4-1</u>	<u>3-8</u>	<u>3-1</u>	<u>2-8</u>	<u>2-4</u>
	<u>2-2×8</u>	<u>6-8</u>	<u>5-9</u>	<u>5-2</u>	<u>4-8</u>	<u>4-1</u>	<u>3-6</u>	<u>3-1</u>
	<u>2-2×10</u>	<u>8-1</u>	<u>7-0</u>	<u>6-3</u>	<u>5-9</u>	<u>5-2</u>	<u>4-6</u>	<u>4-0</u>
	<u>2-2×12</u>	<u>9-5</u>	<u>8-2</u>	<u>7-3</u>	<u>6-8</u>	<u>6-2</u>	<u>5-6</u>	<u>4-10</u>
	<u>3-2×6</u>	<u>6-7</u>	<u>5-8</u>	<u>5-1</u>	<u>4-8</u>	<u>4-4</u>	<u>4-0</u>	<u>3-7</u>
	<u>3-2×8</u>	<u>8-4</u>	<u>7-2</u>	<u>6-5</u>	<u>5-11</u>	<u>5-5</u>	<u>5-1</u>	<u>4-8</u>
	<u>3-2×10</u>	<u>10-2</u>	<u>8-10</u>	<u>7-10</u>	<u>7-2</u>	<u>6-8</u>	<u>6-3</u>	<u>5-10</u>
	<u>3-2×12</u>	<u>11-9</u>	<u>10-2</u>	<u>9-1</u>	<u>8-4</u>	<u>7-8</u>	<u>7-3</u>	<u>6-10</u>

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at main span, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**TABLE R507.5(4)**  
**MAXIMUM DECK BEAM SPAN - 70 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>ai</sup> (feet)						
		6	8	10	12	14	16	18
		MAXIMUM BEAM SPAN <sup>ab,f</sup> (feet-inches)						
Southern Pine	1-2×6	3-8	3-2	2-10	2-1	1-10	1-4	1-7
	1-2×8	4-7	4-0	3-7	3-3	2-9	2-5	2-2
	1-2×10	5-6	4-9	4-3	3-10	3-7	3-1	2-9
	1-2×12	6-5	5-7	5-0	4-7	4-3	3-9	3-4
	2-2×6	5-5	4-8	4-2	3-10	3-6	3-3	3-1
	2-2×8	6-10	5-11	5-4	4-10	4-6	4-2	3-11
	2-2×10	8-2	7-1	6-4	5-9	5-4	5-0	4-8
	2-2×12	9-7	8-4	7-5	6-9	6-3	5-10	5-6
	3-2×6	6-9	5-10	5-3	4-9	4-5	4-2	3-11
	3-2×8	8-7	7-5	6-8	6-1	5-7	5-3	4-11
	3-2×10	10-2	8-10	7-11	7-2	6-8	6-3	5-10
3-2×12	12-0	10-5	9-4	8-6	7-10	7-4	6-11	
Douglas fir-larch <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	3-3	2-5	1-10	1-6	1-3	1-1	1-0
	1-2×8	4-4	3-2	2-6	2-0	1-8	1-6	1-4
	1-2×10	5-4	4-1	3-2	2-7	2-2	1-11	1-8
	1-2×12	6-2	5-0	3-10	3-2	2-8	2-4	2-0
	2-2×6	4-10	4-2	3-9	3-1	2-7	2-3	2-0
	2-2×8	6-5	5-7	5-0	4-1	3-5	3-0	2-8
	2-2×10	7-10	6-10	6-1	5-3 <sup>9</sup>	4-5	3-10	3-5
	2-2×12	9-2	7-11	7-1	6-4	5-5	4-8	4-1
	3-2×6	6-0	5-3 <sup>1</sup>	4-8	4-3	3-11	3-5	3-0
	3-2×8	8-1	7-0	6-3	5-8	5-2	4-6	4-0
	3-2×10	9-10	8-6	7-8	7-0	6-5	5-9	5-1
3-2×12	11-6	9-11	8-11	8-1	7-6	7-0	6-3	
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	3-4	2-6	1-11	1-7	1-4	1-2	1-0
	1-2×8	4-2	3-3	2-7	2-1	1-9	1-7	1-4
	1-2×10	5-1	4-2	3-3	2-8	2-3	2-0	1-9
	1-2×12	5-11	5-1	4-0	3-3	2-9	2-5	2-1
	2-2×6	4-11	4-3	3-10	3-2	2-8	2-4	2-1
	2-2×8	6-3	5-5	4-10	4-2	3-7	3-1	2-9
	2-2×10	7-7	6-7	5-10	5-4	4-7	3-11	3-6
	2-2×12	8-10	7-7	6-10	6-3	5-6	4-10	4-3
	3-2×6	6-2	5-4	4-9	4-4	4-0	3-6	3-1
	3-2×8	7-9	6-9	6-0	5-6	5-1	4-8	4-1
	3-2×10	9-6	8-3	7-4	6-9	6-3	5-10	5-3
3-2×12	11-0	9-6	8-6	7-9	7-3	6-9	6-4	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

a. Interpolation permitted. Extrapolation not permitted.

- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at main span, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**R507.6 Deck joists.** Maximum allowable spans for wood deck joists, as shown in Figure R507.6, shall be in accordance with Table R507.6. The maximum joist spacing shall be limited by the decking materials in accordance with Table R507.7.

**TABLE R507.6  
MAXIMUM DECK JOIST SPANS**

LOAD <sup>a</sup> (psf)	JOIST SPECIES <sup>b</sup>	JOIST SIZE	JOIST SPACING (inches)			ADJACENT JOIST SPAN <sup>g</sup> (feet)							
			12	16	24	4	6	8	10	12	14	16	18
			MAXIMUM JOIST SPAN <sup>e</sup>			MAXIMUM CANTILEVER <sup>d</sup> (feet-inches)							
40 Live Load	Southern Pine	2×6	9-11	9-0	7-7	1-0	1-6	1-5	NP	NP	NP	NP	NP
		2×8	13-1	11-10	9-8	1-0	1-6	2-0	2-6	2-3	NP	NP	NP
		2×10	16-2	14-0	11-5	1-0	1-6	2-0	2-6	3-0	3-4	3-4	NP
		2×12	18-0	16-6	13-6	1-0	1-6	2-0	-6	3-0	3-6	4-0	4-1
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	2×6	9-6	8-4	6-10	1-0	1-6	1-4	NP	NP	NP	NP	NP
		2×8	12-6	11-1	9-1	1-0	1-6	2-0	2-3	2-0	NP	NP	NP
		2×10	15-8	13-7	11-1	1-0	1-6	2-0	2-6	3-0	3-3	NP	NP
		2×12	18-0	15-9	12-10	1-0	1-6	2-0	2-6	3-0	3-6	3-11	3-11
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	8-10	8-0	6-10	1-0	1-4	1-1	NP	NP	NP	NP	NP
		2×8	11-8	10-7	8-8	1-0	1-6	2-0	1-11	NP	NP	NP	NP
		2×10	14-11	13-0	10-7	1-0	1-6	2-0	2-6	3-0	2-9	NP	NP
		2×12	17-5	15-1	12-4	1-0	1-6	2-0	2-6	3-0	3-6	3-8	NP
50 Ground Snow Load	Southern Pine	2×6	9-2	8-4	7-4	1-0	1-6	1-5	NP	NP	NP	NP	NP
		2×8	12-1	11-0	9-7	1-0	1-6	2-0	2-5	2-3	NP	NP	NP
		2×10	15-5	14-1	12-3	1-0	1-6	2-0	2-6	3-0	3-1	NP	NP
		2×12	18-0	17-1	14-6	1-0	1-6	2-0	2-6	3-0	3-6	3-10	3-10
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	2×6	8-10	8-0	7-0	1-0	1-6	1-4	NP	NP	NP	NP	NP
		2×8	11-7	10-7	9-3	1-0	1-6	2-0	2-3	NP	NP	NP	NP
		2×10	14-10	13-6	11-9	1-0	1-6	2-0	2-6	3-0	3-0	NP	NP
		2×12	18-0	16-5	13-9	1-0	1-6	2-0	2-6	3-0	3-6	3-8	NP
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	8-3	7-6	6-8	1-0	1-4	1-1	NP	NP	NP	NP	NP
		2×8	10-10	9-10	8-7	1-0	1-6	2-0	1-11	NP	NP	NP	NP
		2×10	13-10	12-7	11-0	1-0	1-6	2-0	2-6	2-9	NP	NP	NP
		2×12	16-10	15-3	13-2	1-0	1-6	2-0	2-6	3-0	3-5	3-5	NP

LOAD <sup>a</sup> (psf)	JOIST SPECIES <sup>b</sup>	JOIST SIZE	JOIST SPACING (inches)			ADJACENT JOIST SPAN <sup>c</sup> (feet)							
			12	16	24	4	6	8	10	12	14	16	18
			MAXIMUM JOIST SPAN <sup>e</sup>			MAXIMUM CANTILEVER <sup>d</sup> (feet-inches)							
60 Ground Snow Load	Southern Pine	2×6	8-8	7-10	6-10	1-0	1-6	1-5	NP	NP	NP	NP	NP
		2×8	11-5	10-4	9-1	1-0	1-6	2-0	2-4	NP	NP	NP	NP
		2×10	14-7	13-3	11-7	1-0	1-6	2-0	2-6	2-11	2-11	NP	NP
		2×12	17-8	16-1	14-0	1-0	1-6	2-0	2-6	3-0	3-6	3-7	NP
	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	2×6	8-4	7-6	6-7	1-0	1-6	1-4	NP	NP	NP	NP	NP
		2×8	10-11	9-11	8-8	1-0	1-6	2-0	2-2	NP	NP	NP	NP
		2×10	13-11	12-8	11-1	1-0	1-6	2-0	2-6	2-10	NP	NP	NP
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	7-9	7-0	6-2	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	10-2	9-3	8-1	1-0	1-6	2-0	1-11	NP	NP	NP	NP
		2×10	13-0	11-10	10-4	1-0	1-6	2-0	2-6	2-7	NP	NP	NP
		2×12	15-10	14-4	12-7	1-0	1-6	2-0	2-6	3-0	3-2	NP	NP
	70 Ground Snow Load	Southern Pine	2×6	8-3	7-6	6-6	1-0	1-6	1-5	NP	NP	NP	NP
2×8			10-10	9-10	8-7	1-0	1-6	2-0	2-2	NP	NP	NP	NP
2×10			13-10	12-7	11-0	1-0	1-6	2-0	2-6	2-9	NP	NP	NP
2×12			16-10	15-3	13-4	1-0	1-6	2-0	2-6	3-0	3-5	3-5	NP
Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>		2×6	7-11	7-2	6-3	1-0	1-6	NP	NP	NP	NP	NP	NP
		2×8	10-5	9-5	8-3	1-0	1-6	2-0	2-1	NP	NP	NP	NP
		2×10	13-3	12-0	10-6	1-0	1-6	2-0	2-6	2-8	NP	NP	NP
		2×12	16-1	14-8	12-10	1-0	1-6	2-0	2-6	3-0	3-3	3-3	NP
Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>		2×6	7-4	6-8	5-10	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	9-8	8-10	7-8	1-0	1-6	1-11	NP	NP	NP	NP	NP
		2×10	12-4	11-3	9-10	1-0	1-6	2-0	2-6	2-6	NP	NP	NP
		2×12	15-0	13-8	11-11	1-0	1-6	2-0	2-6	2-0	3-0	NP	NP

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg, NP = Not permitted.

- a. Dead load = 10 psf dead load. Snow load not assumed to be concurrent with live load.
- b. No. 2 grade, wet service factor included.
- c. L/Δ = 360 at main span.
- d. L/Δ = 180 at cantilever with 220-pound point load applied to end.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Interpolation permitted. Extrapolation not permitted.

**R507.9.1.2 Band joist details.** Band joists supporting a ledger shall be a minimum 2-inch-nominal (51 mm), solid-sawn, spruce-pine-fir or better lumber or minimum 1-inch (25 mm) nominal engineered wood rim boards in accordance with Section R502.1.7. Band joists shall bear fully on the primary structure capable of supporting all required loads.

**R507.9.2 Deck lateral load connections.** Lateral loads shall be transferred to the ground or to a structure capable of trans-

mitting them to the ground. Where the lateral load connection is provided in accordance with Figure R507.9.2(1), hold-down tension devices shall be installed in not less than two locations per deck, within 24 inches of each end of the deck. Each device shall have an allowable stress design capacity of not less than 1500 pounds (6672 N). Where the lateral load connections are provided in accordance with Figure ((R507.2.3)) R507.9.2(2), the hold-down tension devices shall be installed in not less than four locations per deck, and

each device shall have an allowable stress design capacity of not less than 750 pounds (3336 N).

EXCEPTION: Decks not more than 30 inches above grade at any point may be unattached.

**TABLE ((R507.2.1)) R507.9.1  
PLACEMENT OF LAG SCREWS AND BOLTS IN DECK LEDGERS AND BAND JOISTS**

MINIMUM END AND EDGE DISTANCES AND SPACING BETWEEN ROWS				
	TOP EDGE	BOTTOM EDGE	ENDS	ROW SPACING
Ledger <sup>a</sup>	2 inches <sup>d</sup>	3/4 inch	2 inches <sup>b</sup>	1 5/8 inches <sup>b</sup>
Band joist <sup>c</sup>	3/4 inch	2 inches <sup>e</sup>	2 inches <sup>b</sup>	1 5/8 inches <sup>b</sup>

For SI: 1 inch = 25.4 mm.

- a Lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger in accordance with Figure R507.2.1(1).
- b Maximum 5 inches.
- c For engineered rim joists, the manufacturer's recommendations shall govern.
- d The minimum distance from bottom row of lag screws to the top edge of the ledger shall be in accordance with Figure R507.2.1(1).
- e The 2 inches may be reduced to 3/4 inch when the band joist is directly supported by a mudsill, a header or by double top wall plates.

**TABLE R507.9.3(1)  
DECK LEDGER CONNECTION TO BAND JOIST**

LOAD <sup>c</sup> (psf)	JOIST SPAN <sup>a</sup> (feet)	1/2-inch diameter leg screw with 1/2-inch maximum sheathing <sup>d,e</sup>	1/2-inch diameter bolt with 1/2-inch maximum sheathing <sup>e</sup>	1/2-inch diameter bolt with 1-inch maximum sheathing <sup>f</sup>
		ON-CENTER SPACING OF FASTENERS <sup>b</sup> (inches)		
40 Live Load	6	30	36	36
	8	23	36	36
	10	18	34	29
	12	15	29	24
	14	13	24	21
	16	11	21	18
	18	10	19	16
50 Ground Snow Load	6	29	36	36
	8	22	36	35
	10	17	33	28
	12	14	27	23
	14	12	23	20
	16	11	20	17
	18	9	18	15

LOAD <sup>c</sup> (psf)	JOIST SPAN <sup>a</sup> (feet)	1/2-inch diameter leg screw with 1/2-inch maximum sheathing <sup>d,e</sup>	1/2-inch diameter bolt with 1/2-inch maximum sheathing <sup>e</sup>	1/2-inch diameter bolt with 1-inch maximum sheathing <sup>f</sup>
		ON-CENTER SPACING OF FASTENERS <sup>b</sup> (inches)		
60 Ground Snow Load	6	25	36	36
	8	18	35	30
	10	17	33	28
	12	14	27	23
	14	12	23	20
	16	11	20	17
	18	9	18	15
70 Ground Snow Load	6	22	36	35
	8	16	31	26
	10	13	25	21
	12	11	20	17
	14	9	17	15
	16	8	15	13
	18	7	13	11

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- c. Dead Load = 10 psf. Snow load shall not be assumed to act concurrently with live load.
- d. The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- e. Sheathing shall be wood structural panel or solid sawn lumber.
- f. Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2 inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.

**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 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0602 Section R602—Wood wall framing.**

~~((R602.7.5 Supports for headers. This section is not adopted.))~~ **R602.1.1 Sawn lumber.** Sawn lumber shall be identified by a grade mark of an accredited lumber grading or inspection agency and have design values certified by an accreditation body that complies with DOC PS 20. In lieu of a grade mark, a certification of inspection issued by a lumber grading or inspection agency meeting the requirements of this section shall be accepted.

**R602.1.1.1 Used sawn lumber.** Used sawn lumber in good condition and devoid of areas of decay shall meet the requirements of Section 602.1.1 or shall comply with the following:

1. Dimensional lumber that has a nominal thickness of 2 inches with a nominal width of 6 inches, or less, shall be assumed to be spruce-pine-fir stud grade and shall have structural properties assigned in accordance with current adopted standards. All other dimensional lumber shall be assumed to be hem-fir No. 2 grade and shall have structural properties assigned in accordance with current adopted standards.

**R602.9 ((Foundation)) Cripple walls.** Foundation cripple walls shall be framed of studs not smaller than the studding above. When exceeding 4 feet (1219 mm) in height, such walls shall be framed of studs having the size required for an additional story.

Cripple walls supporting bearing walls or exterior walls or interior braced wall panels as required in Sections R403.1.2 and R602.10.9.1 with a stud height less than 14 inches (356 mm) shall be continuously sheathed on one side with wood structural panels fastened to both the top and bottom plates in accordance with Table R602.3(1), or the cripple walls shall be constructed of solid blocking. All cripple walls shall be supported on continuous footings or foundations.

EXCEPTION: Footings supporting cripple walls used to support interior braced wall panels as required in Sections R403.1.2 and R602.10.9.1 shall be continuous for the required length of the cripple wall and constructed beyond the cripple wall for a minimum distance of 4 inches and a maximum distance of the footing thickness. The footings extension is not required at intersections with other footings.

**~~((R602.10.11))~~ R602.10.10 Cripple wall bracing.** Cripple walls shall be constructed in accordance with Section R602.9 and braced in accordance with this section. Cripple walls supporting bearing walls or exterior walls or interior braced wall panels as required in Section R403.1.2 shall be braced with the length and method of bracing used for the wall above in accordance with Tables R602.10.3(1) and R602.10.3(3), and the applicable adjustment factors in Table R602.10.3(2) or R602.10.3(4), respectively, except the length of the cripple wall bracing shall be multiplied by a factor of 1.15.

Where gypsum wall board is not used on the inside of the cripple wall bracing, the length adjustments for the elimination of the gypsum wallboard, or equivalent, shall be applied as directed in Tables R602.10.3(2) and R602.10.3(4) to the length of cripple wall bracing required. This adjustment shall be taken in addition to the 1.15 increase.

#### NEW SECTION

**WAC 51-51-0608 Section 608—Exterior concrete wall construction.**

**R608.1 General.** Exterior concrete walls shall be designed and constructed in accordance with the provisions of this section or in accordance with the provisions of PCA 100, ACI 318, or ACI 332. Where PCA 100, ACI 318, or ACI 332, or the provisions of this section are used to design concrete walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer

responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

**R608.5.1 Concrete and materials for concrete.** Materials used in concrete, and the concrete itself, shall conform to requirements of this section, PCA 100, ACI 318, or ACI 332.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

#### **WAC 51-51-0703 Section R703—Exterior covering.**

**R703.1 General.** Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

EXCEPTION: Log walls designed and constructed in accordance with the provisions of ICC 400.

**R703.1.1 Water resistance.** The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2 and a means of draining water that enters the assembly to the exterior. Protection against condensation in the exterior wall assembly shall be provided in accordance with Section R702.7 of this code.

- EXCEPTIONS:
1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed according to Section R703.4 or R703.8.
  2. Compliance with the requirements for a means of drainage, and the requirements of Sections R703.2 and R703.4, shall not be required for an exterior wall envelope that has been demonstrated to resist wind-driven rain through testing of the exterior wall envelope, including joints, penetrations and intersections with dissimilar materials, in accordance with ASTM E 331 under the following conditions:
    - 2.1. Exterior wall envelope test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.
    - 2.2. Exterior wall envelope test assemblies shall be at least 4 feet (1219 mm) by 8 feet (2438 mm) in size.
    - 2.3. Exterior wall assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (299Pa).
    - 2.4. Exterior wall envelope assemblies shall be subjected to a minimum test exposure duration of 2 hours.
- The exterior wall envelope design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate control joints in the exterior wall envelope; joints at the perimeter of opening penetration; or intersections of terminations with dissimilar materials.
3. The requirement for a means of drainage shall not be construed to mean an air space cavity under the exterior cladding for an exterior wall clad with panel or lapped siding made of plywood, engineered wood, hardboard, or fiber cement. A water-resistive barrier as required by Section R703.2 will be required on exterior walls.



**R703.2 Water-resistive barrier.** Not fewer than one layer of water-resistive barrier shall be applied over studs or sheathing with flashing as indicated in Section R703.4, in such a manner as to provide a continuous water resistive barrier behind the exterior wall veneer. Water-resistive barrier materials shall comply with one of the following:

1. No. 15 felt complying with ASTM D226, Type 1.
2. ASTM E2556, Type 1 or 2.
3. ASTM E331 in accordance with Section R703.1.1; or
4. Other approved materials in accordance with the manufacturer's installation instructions.

**R703.4 Flashing.** Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structure framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. Fluid-applied membranes used as flashing in exterior walls shall comply with AAMA 714. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashing shall be installed at all of the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water resistive barrier complying with Section 703.2 for subsequent drainage. Mechanically attached flexible flashings shall comply with AAMA 712.
2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
3. Under and at the ends of masonry, wood or metal copings and sills.
4. Continuously above all projecting wood trim.
5. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.
6. At wall and roof intersections.
7. At built-in gutters.

**R703.10.2 Lap siding.** Fiber-cement lap siding having a maximum width of 12 inches (305 mm) shall comply with the requirements of ASTM C 1186, Type A, minimum Grade II or ISO 8336, Category A, minimum Class 2. Lap siding shall be lapped a minimum of 1 1/4 inches (32 mm) and lap siding shall be installed in accordance with the manufacturer's installation instructions or shall be designed to comply with Section R703.1. Lap siding courses shall be installed with the fastener heads exposed or concealed, in accordance with Table R703.3(1) or approved manufacturer's instructions.

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

**WAC 51-51-1006 Section R1006—Exterior air supply.**

~~(R1006.2)~~ **R1006.4 Passageway.** This section is not adopted.

**R1006.6 Solid fuel burning appliances and fireplaces.** Solid fuel burning appliances and fireplaces shall be provided with tight fitting metal or ceramic glass doors, and:

1. A source from outside the structure of primary combustion air, connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions; or

2. The appliance and manufacturer's recommended combustion air supply, as an installed unit, shall be certified by an independent testing laboratory to have passed Test No. 11-Negative Pressure Test, Section 12.3, of ULC S627-M1984 "Space Heaters for Use with Solid Fuels," modified as follows:

Negative pressure of 8 Pascal shall be initially established with the chamber sealed and the air supply, if not directly connected to the appliance, closed off.

The air supply if not directly connected to the appliance, shall then be opened.

The maximum allowable air exchange rate from chamber leakage and intentional air supply for the unit (appliance with combustion air supply) in the test chamber is 3.5 air changes per hour, or 28 cfm (cubic feet of air per minute), whichever is less.

**EXCEPTION:** Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1. The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the International Mechanical Code; or
2. The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace. The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be specified by the manufacturer or no less than 4 inches in diameter or the equivalent in area or as approved.

~~(R1006.4 Passageway. This section is not adopted.)~~

#### NEW SECTION

**WAC 51-51-1504 Section 1504—Exhaust ducts and exhaust openings.**

**M1504.3 Exhaust openings.** Air exhaust openings shall terminate as follows:

1. Not less than 3 feet (914 mm) from property lines.
2. Not less than 3 feet (914 mm) from gravity air intake openings, operable windows and doors.
3. Not less than 10 feet (3048 mm) from mechanical air intake openings except where either of the following apply:
  - 3.1. The exhaust opening is located not less than 3 feet (914 mm) above the air intake opening.
  - 3.2. The exhaust opening is part of a factory-built intake/exhaust combination termination fitting installed in accordance with the manufacturer's instructions, and the exhaust air is drawn from a living space.
4. Openings shall comply with Sections R303.5.2 and R303.6.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-1507 Section M1507—Mechanical ventilation.**

**M1507.1 General.** Local exhaust and whole-house mechanical ventilation systems and equipment shall be designed in accordance with this section.

**M1507.2 Recirculation of air.** Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms and toilet rooms shall not discharge into an attic, crawl space or other areas of the building.

**M1507.3 Whole-house mechanical ventilation system.** Whole-house mechanical ventilation systems shall be designed in accordance with Sections M1507.3.1 through M1507.3.3.

**M1507.3.1 System design.** Each dwelling unit or guestroom shall be equipped with a ventilation system complying with Section M1507.3.4, M1507.3.5, M1507.3.6 or M1507.3.7. Compliance is also permitted to be demonstrated through compliance with the International Mechanical Code or ASHRAE Standard 62.2.

**M1507.3.2 Control and operation.**

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole-house ventilation systems shall be provided to the occupant by the installer of the system.

3. Local exhaust systems. Local exhaust systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole-house ventilation systems. Continuous whole-house ventilation systems shall operate continuously and be equipped with an override control. A "fan on" switch shall be permitted as an override control. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. ~~((A clearly visible label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."))~~ Controls shall include text or a symbol indicating their function.

5. Intermittent whole-house ventilation systems. Intermittent whole-house ventilation systems shall comply with the following:

5.1. They shall be capable of operating intermittently and continuously.

5.2. They shall have controls capable of operating the exhaust fans, forced-air system fans, or supply fans without energizing other energy-consuming appliances.

5.3. The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.

5.4. The system shall be designed so that it can operate automatically based on the type of control timer installed.

5.5. The intermittent mechanical ventilation system shall operate at least one hour out of every four.

5.6. The system shall have a manual control and automatic control, such as a 24-hour clock timer.

5.7. At the time of final inspection, the automatic control shall be set to operate the whole-house fan according to the schedule used to calculate the whole-house fan sizing.

5.8. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

**M1507.3.2.1 Operating instructions.** Installers shall provide the manufacturer's installation, operating instructions, and a whole-house ventilation system operation description.

**M1507.3.3 Mechanical ventilation rate.** The whole-house mechanical ventilation system shall provide outdoor air to each dwelling unit at a continuous rate of not less than that determined in accordance with Table M1507.3.3(1).

**EXCEPTION:** The whole-house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate prescribed in Table M1507.3.3(1) is multiplied by the factor determined in accordance with Table M1507.3.3(2).

**M1507.3.3.1 Testing.** Whole-house mechanical ventilation systems shall be tested and verified to provide a flow rate not less than the minimum required by Section M1507.3.3. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals or grilles, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

**Table M1507.3.3(1)  
Continuous Whole-House Mechanical Ventilation System Airflow Rate Requirements**

Dwelling Unit Floor Area (square feet)	NUMBER OF BEDROOMS				
	0 - 1	2 - 3	4 - 5	6 - 7	> 7
	<b>Airflow in CFM</b>				
< 1,500	30	45	60	75	90
1,501 - 3,000	45	60	75	90	105
3,001 - 4,500	60	75	90	105	120
4,501 - 6,000	75	90	105	120	135

Dwelling Unit Floor Area (square feet)	NUMBER OF BEDROOMS				
	0 - 1	2 - 3	4 - 5	6 - 7	> 7
	Airflow in CFM				
6,001 - 7,500	90	105	120	135	150
> 7,501	105	120	135	150	165

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s.

**Table M1507.3.3(2)**  
**Intermittent Whole-House Mechanical Ventilation Rate Factors<sup>a, b</sup>**

Run-Time Percentage in Each 4-Hour Segment	25%	33%	50%	66%	75%	100%
Factor <sup>a</sup>	4	3	2	1.5	1.3	1.0

<sup>a</sup> For ventilation system run time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**M1507.3.4 Whole-house ventilation using exhaust fans.** This section establishes minimum prescriptive requirements for whole-house ventilation systems using exhaust fans. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.4.1 Whole-house ventilation fans.** Exhaust fans providing whole-house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table M1507.3.3(1). Manufacturers' fan flow ratings shall be determined according to HVI 916 or AMCA 210.

**M1507.3.4.2 Fan noise.** Whole-house fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (March 2009). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

**M1507.3.4.3 Fan controls.** The whole-house ventilation fan shall meet the requirements of Section M1507.3.2 and M1507.3.2.1.

**M1507.3.4.4 Ventilation openings.** Each habitable space shall be provided with outdoor air inlets or operable windows with an openable area not less than 4 square inches of net free area of opening for each 10 cfm of outdoor air required by Table M1507.3.3(1). Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means. Doors shall be undercut to a minimum of 1/2 inch above the surface of the finish floor covering.

Individual room outdoor air inlets shall:

1. Have controllable and secure openings;
2. Be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;
3. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals are deemed equivalent to 4 square inches net free area.

Ventilation opening shall be screened or otherwise protected from entry by leaves or other material. Openings shall be controllable, securable and shall be designed to not compromise the thermal properties of the building envelope. Ventilation openings shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.
7. Asphalt roofs unless it is shown that no other location is permissible. In such cases the inlet opening shall be located a minimum of 2 feet from the nearest surface of the asphalt roofing, measured from the intake opening.

**M1507.3.5 Whole-house ventilation integrated with a forced-air system.** This section establishes minimum prescriptive requirements for whole-house ventilation systems integrated with forced-air ventilation systems. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.5.1 Integrated whole-house ventilation systems.** Integrated whole-house ventilation systems shall provide outdoor air at the rate calculated using Section M1507.3.3. Integrated forced-air ventilation systems shall distribute outdoor air to each habitable space through the forced-air system ducts. Integrated forced-air ventilation systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced-air system, at a point within 4 feet upstream of the air handler. The outdoor air inlet duct connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The system will be

equipped with a motorized damper connected to the automatic ventilation control as specified in Section M1507.3.2. The required flow rate shall be verified by field testing with a flow hood or a flow measuring station.

**M1507.3.5.2 Ventilation duct insulation.** All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

**M1507.3.5.3 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.3.6 Whole-house ventilation using a supply fan.** This section establishes minimum prescriptive requirements for whole-house ventilation systems using an inline supply fan. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.6.1 Outdoor air.** Supply fan ventilation systems shall distribute outdoor air to each habitable space through the forced-air system ducts or through dedicated ducts to each habitable space. Supply fans shall have the capacity to provide the amount of outdoor air specified in Table M1507.3.3(1) at 0.40 inches water gauge as per HVI 916. The outdoor air must be filtered before it is delivered to habitable spaces. The filter may be located at the intake device, in line with the fan, or, in the case of a connection to the return plenum of the air handler, using the furnace filter. An outdoor air inlet shall be connected to either the supply or return air stream.

**M1507.3.6.2 Ducts.** An outdoor air inlet duct connection to the supply air stream shall be located downstream of the forced-air system blower. An outdoor air inlet duct connection to the return air stream shall be located at least 4 feet upstream of the forced-air system blower and its filter. Neither type of duct shall be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The outdoor air inlet duct shall be prescriptively sized in accordance with Table M1507.3.6.2. The terminal element on the outside of the building shall be sized 2 inches in diameter larger than the outdoor air inlet duct.

**Table M1507.3.6.2  
Prescriptive Supply Fan Duct Sizing**

Supply Fan Tested cfm at 0.40" wg		
Specified Volume from Table 1507.3.3(1)	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

**M1507.3.6.3 Dampers.** The system shall be equipped with a back-draft damper and one of the following:

1. A calibrated manual volume damper installed and set to meet the measured flow rates specified in Table M1507.3.3(1) by field testing with a pressure gauge and/or following manufacturer's installation instructions; or
2. A manual volume damper installed and set to meet the measured flow rates specified in Table M1507.3.3(1) by field testing with a flow hood or a flow measuring station; or
3. An automatic flow-regulating device sized to the specified flow rates in Table M1507.3.3(1) which provides constant flow over a pressure range of 0.20 to 0.60 inches water gauge.

**M1507.3.6.4 Ventilation duct insulation.** All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

**M1507.3.6.5 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.3.7 Whole-house ventilation using a heat recovery ventilation system.** This section establishes minimum prescriptive requirements for whole-house ventilation using a heat recovery ventilation system.

**M1507.3.7.1 Heat recovery ventilation systems.** All duct work in heat recovery systems shall be sized and installed per the manufacturer's instructions. System minimum flow rating shall be not less than that specified in Table M1507.3.3(1). Heat recovery ventilation systems shall have a filter on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a minimum efficiency rating value (MERV) of 6.

**M1507.3.7.2 Ventilation duct insulation.** All supply ducts in the conditioned space installed upstream of the heat exchanger shall be insulated to a minimum of R-4.

**M1507.3.7.3 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.4 Local exhaust.** Local exhaust shall be provided in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, and other rooms where water vapor or cooking odor is produced. *Local exhaust systems* shall be designed to have the capacity to exhaust the minimum air flow rate determined in accordance with Table M1507.4.

**Table M1507.4**

**Minimum Required Local Exhaust Rates  
For One- and Two-Family Dwellings**

Area to Be Exhausted	Exhaust Rates
Kitchens	100 cfm intermittent or 25 cfm continuous
Bathrooms - Toilet rooms Laundry rooms, indoor swimming pools, and spas	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s.

**M1507.4.1 Local exhaust fans.** Exhaust fans providing local exhaust shall have a minimum fan flow rating not less than 50 cfm at 0.25 inches water gauge for bathrooms, laundries, or similar rooms and 100 cfm at 0.25 inches water gauge for kitchens. Manufacturers' fan flow ratings shall be determined as per HVI 916 (April 1995) or AMCA 210.

**EXCEPTION:** Where a range hood or down draft exhaust fan is used to satisfy the local exhaust requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 inches water gauge.

**M1507.4.2 Local exhaust controls.** Local exhaust systems shall be controlled by manual switches, dehumidistats, timers, or other approved means. Local exhaust system controls shall be readily accessible.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-4400 ((Reserved)) Referenced standards.**

**ANCE**

**NMX-J-521/2-40-ANCE—2019/CAN/CSA-22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electrical Appliances Safety-Part 2-40-Safety: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.**

M1403.1, M1412.1, M1413.1

**ANSI**

**LC 1/CSA 6.26—18: Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST)**

G2414.5.4, G2411.3, G2415.5  
403.5.5

**ASHRAE**

**34—2019: Designation and Safety Classification of Refrigerants**

**ASTM**

**E2556/E2556M-10: Standard Specification for Vapor Permeable Flexible Sheet Water-Resistive Barriers Intended for Mechanical Attachment.**

M1411.1

**CSA**

**CAN/CSA/C22.2 No. 60335-2-40—2012 60335-2-40—2019**

**NMX-J-521/2-40-ANCE—2019/CAN/CSA-22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electric Appliances, Part 2-40-Safety: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.**

M2006.1

**UL**

**UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances Safety- Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers.**

M1403.1, M1412.1, M1413.1

AMENDATORY SECTION (Amending WSR 07-01-090, filed 12/19/06, effective 7/1/07)

**WAC 51-51-60103 Section AF103—Requirements.**

**AF103.1 General.** The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure ((AF102)) AF103). These techniques are required in high radon potential counties designated in Table AF101(1).

NEW SECTION**WAC 51-51-60104 Appendix Q—Tiny houses.****AQ102 Definitions.**

**EGRESS ROOF ACCESS WINDOW.** This definition is not adopted.

**LANDING PLATFORM.** This definition is not adopted.

**LOFT.** This definition is not adopted.

**SLEEPING LOFT.** A sleeping space on a floor level located more than 30 inches (762 mm) above the main floor and open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm).

**TINY HOUSE.** A *dwelling unit* that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding *sleeping lofts*.

**AQ103.1 Minimum ceiling height.** Habitable space in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

**EXCEPTION:** Ceiling heights in *sleeping lofts* shall be in accordance with Section R326.

**AQ103 Ceiling height.** This section is not adopted.

**AQ104 Energy conservation.**

**AQ104.1 Air leakage testing.** The air leakage rate for tiny houses shall not exceed 0.30 cfm at 50 Pascals of pressure per foot of the dwelling unit enclosure area. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed after the continuous air barrier, including all penetrations, is completed and sealed.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures.

2. Dampers including exhaust, intake, makeup air, back-draft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.

3. Interior doors, if installed at the time of the test, shall be open.

4. Exterior louvers for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.

5. Heating and cooling systems, if installed at the time of the test, shall be turned off.

6. Supply and return registers, if installed at the time of the test, shall be fully open.

**AQ104 Lofts.** This section is not adopted.

**AQ104.1.1 Whole house mechanical ventilation.** Where an air leakage rate not exceeding 0.30 cfm per ft of the dwelling unit enclosure area in accordance with Section AQ106.1 is provided, the tiny house shall be provided with whole house mechanical ventilation in accordance with Section M1505.4.

**AQ104.2 Alternative compliance.** Tiny houses shall be deemed to be in compliance with the Washington State Energy Code - Residential (WSEC-R) and Chapter R4 of the International Energy Conservation Code provided that all the following conditions are met:

1. The insulation and fenestration meet the requirements of IECC Table R402.1.2.

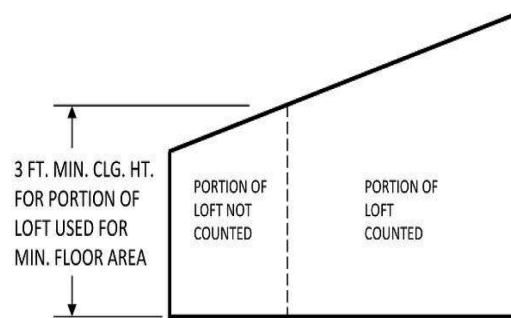
2. The thermal envelope meets the requirements of IECC Table R402.4.1.1 and IECC Table R402.4.1.1.

3. Solar, wind, or other renewable energy source supplies not less than 5 watts per square foot of floor area for the structure.

4. Permanently installed lighting is in accordance with Section R404.

5. Mechanical ventilation is provided in accordance with Section M1505 of this code. Operable fenestration is not used as the outdoor air source for the mechanical ventilation.

Figure for R326.2.3



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

**AQ105 Emergency escape and rescue openings.** This section is not adopted.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-60105 Appendix ((Q)) U—Dwelling unit fire sprinkler systems.** The design and installation of residential fire sprinkler systems shall be in accordance with the ((2015)) 2018 International Residential Code Section P2904 Dwelling Unit Fire Sprinkler Systems.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-60107 Appendix V—Fire sprinklers.** The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

**AV107.1 Fire sprinklers.** An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix ((Q)) U.

**WSR 19-16-157**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**  
 [Filed August 7, 2019, 11:08 a.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 September 13, 2019, at 10:00 a.m., at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10:00 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebe@des.wa.gov, by September 4, 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 (ICC), 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\*

<b>1</b>	<b>WAC</b>	<b>Section</b>	<b>Changes in 2018</b>	<b>Discussion</b>
2	51-54A		Title	Addresses model code date
3	51-54A-0101	101.2.1	Appendices	Deletes reference to the International Wildland Urban Interface Code as a reference. It is now an adopted code.
4	51-54A-0105	105.6.3.1	Carbon dioxide systems	Moved from WAC 51-54A-5307.
5		105.6.4.9	Marijuana extraction systems	Amendment language addressing operational permitting deleted.
6		105.7.19	Marijuana extraction systems	Amendment language addressing construction permitting deleted.
7	51-54A-0405	405	Emergency evacuation drills	Amendment deleted.
8	51-54A-0406	406.3.1	Fire prevention training	Amendment section deleted.
9		406.3.2	Evacuation training	Amendment section deleted.
10		406.3.3	Fire safety training	Amendment section deleted.
11	51-54A-0605	605	Electrical equipment, wiring and hazards	Amendment deleted. Text moved to WAC 51-54A-1204.
12	51-54A-0607	607	Commercial kitchen hoods	Was WAC 51-54A-0609.
13		607.2	Where required	Deleted exception.
14		607.2.1	Domestic cooking appliances used for commercial purposes	Text relocated.
15		Table 607.2.1	Type of hood required for domestic cooking appliances in the following spaces	Text relocated.
16		607.3	Operations, inspection and maintenance	Text relocated.
17	51-54A-0701	701.6	Owner's responsibility	Renumbered.
18	51-54A-0907	907.2.6	Group I	Deleted.
19		907.11	NICET	Renumbered.
20		907.11.1	Scope	Renumbered.
21		907.11.2	Design review	Renumbered.
22	51-54A-0909	909.6.3	Pressurized stairways and elevator hoistways	Specifies which sections of section 909 apply for various conditions.

1	WAC	Section	Changes in 2018	Discussion
23	51-54A-0915	915.1.2	Fuel-burning appliances and fuel-burning fireplaces	Amendment section deleted.
24		915.1.3	Forced-air furnaces	Amendment section deleted.
25		915.1.4	Fuel-burning appliances outside of dwelling units, sleeping units and classrooms	Amendment section deleted.
26		915.1.5	Private garages	Amendment section deleted.
27		915.1.6	Exempt garages	Amendment section deleted.
28		915.2	Locations	Amendment section deleted.
29	51-54A-0916	916	Alerting systems	Amendment deleted. Text moved to WAC 51-54A-0918.
30	51-54A-1009	1009.1	Accessible means of egress required	Exception 01 deleted.
31		1009.8	Two-way communication	Exception 06 added.
32	51-54A-1028	1028	Exit discharge	Amendment deleted.
33	51-54A-1204	1204	Solar photovoltaic power systems	Text moved from WAC 51-54A-0605.
34	51-54A-3308	3308.9	Fire safety requirements for buildings of Types IV-A, IV-B, and IV-C construction	Renumbered.
35	51-54A-3601	3601.3	Permits	Renumbered.
36	51-54A-5307	5307	Carbon dioxide systems	Deleted. Amendment moved to WAC 51-54A-0105.
37	51-54A-5601	5601.1	Scope	Modified exception 8.
38	51-54A-5704	5704.2.11	Underground tanks	Updated section references to match model code.
39	51-54A-6108	6108.1	General	Modified title to match model code.
40	51-54A-8200	---	International Wildland-Urban Interface Code	No longer adopted through an appendix. It is now an adopted code.

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 Fiscal Matters: SBCC 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 recordkeeping.

#### **Small Business Economic Impact Statement (RCW 19.85.040)**

**Description:** SBCC is filing a proposed rule to the updated 2018 edition of IFC with state amendments: Chapter 51-54A WAC. Since 1985 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.

IFC is updated every three years by SBCC. 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 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:** SBCC accepts proposals to amend IFC to meet the legislative goals. The statewide code amendment proposal process is defined in

chapter 51-04 WAC and SBCC bylaws. Each proponent must identify where a proposed amendment has an economic impact and must quantify costs. SBCC developed a specific set of forms so amendment proponents could identify where a proposed amendment was editorial, technical or a policy change.

The Building Code technical advisory group (TAG) determined there is not a cost for compliance on businesses. The changes represent clarification of an existing statewide amendment.

**Loss of Sales or Revenue:** No impact.

**Cost of Compliance for Small Businesses:** No impact.

**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
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

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
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	---	---	---	---	---	---
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

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
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:** No impact.

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.

August 5, 2019  
Doug Orth  
Council Chair

**Chapter 51-54A WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2015)) 2018 EDITION OF THE INTERNATIONAL FIRE CODE**

AMENDATORY SECTION (Amending WSR 16-05-065, filed 2/12/16, effective 7/1/16)

**WAC 51-54A-0101 Section 101—Scope and general requirements.**

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. ~~((The State Building Code Council has determined that a local ordinance adopting Appendix N Wildland Urban Interface Code may be adopted by any local government upon notification of the council.))~~

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))~~ **105.6.3.1 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.

~~105.7.19 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 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-0405 ((Emergency evacuation drills:)) Reserved.**

~~((405.1 General. Emergency drills complying with the provisions of this section shall be conducted at least annually in the occupancies listed in Section 405.2.1 or when required by the fire code official. Drills shall be designed in cooperation with the local authorities.~~

~~405.2 Frequency.~~ Required emergency drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure.

~~405.2.1 Group E occupancies.~~ The occupancy shall conduct at a minimum the following drills during the year:

1. One drill using the school mapping information system.

EXCEPTION: Day cares not collocated on a school campus.

2. Three fire evacuation drills.
3. One shelter in place drill.
4. Additional drills shall be as required by RCW 28A.320.125.

**Table 405.2**

**Fire and Evacuation Drill Frequency and Participation**

<b>Group or Occupancy</b>	<b>Frequency</b>	<b>Participation</b>
Group A	Quarterly	Employees
Group B <sup>b</sup>	Annually	All Occupants
Group B <sup>b,e</sup> (Ambulatory-Care Facilities)	Annually	Employees
Group B <sup>b</sup> (Clinic, outpatient)	Annually	Employees
Group E	Monthly <sup>a,c</sup>	All Occupants
Group F	Annually	Employees
Group I-1	Semiannually on each shift	All Occupants
Group I-2	Quarterly on each shift <sup>a</sup>	Employees
Group I-3	Quarterly on each shift <sup>a</sup>	Employees
Group I-4	Quarterly on each shift <sup>a</sup>	All Occupants
Group R-1	Quarterly on each shift	Employees
Group R-2 <sup>f</sup>	Quarterly on each shift	Employees
Group R-2 <sup>d</sup>	Four Annually	All Occupants
High-rise buildings	Annually	Employees

- <sup>a</sup> In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill frequency.
- <sup>b</sup> Emergency evacuation drills are required in Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the level of exit discharge.
- <sup>c</sup> Emergency evacuation drills are required in ambulatory-care facilities in accordance with Section 403.3.
- <sup>d</sup> Emergency evacuation drills in Group R-2 college and university buildings shall be in accordance with Section 403.10.2.1. Other Group R-2 occupancies shall be in accordance with Section 403.10.2.2.
- <sup>e</sup> Day cares collocated on a Group E campus shall participate in emergency drills occurring on the campus.
- <sup>f</sup> Applicable to group homes licensed by the state of Washington. Emergency evacuation drills for assisted living facilities and residential treatment facilities licensed by the state of Washington are required to meet the requirements of Group I-1.

**405.4 Time.** Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of an emergency.

**405.5 Recordkeeping.** Records shall be maintained of required emergency evacuation drills and include the following information:

1. Identity of the person conducting the drill.
2. Date and time of the drill.
3. Notification method used.
4. Staff members on duty and participating.
5. Number of occupants participating.
6. Special conditions simulated.
7. Problems encountered and corrective actions taken.
8. Weather conditions when occupants were evacuated.
9. Time required to accomplish complete evacuation, or shelter in place.

**405.6 Notification.** Where required by the fire code official, prior notification of emergency evacuation drills shall be given to the fire code official.

**405.7 Initiation.** Emergency drills shall be initiated in accordance with Sections 405.7.1 through 405.7.2.

**405.7.1 Fire evacuation drills.** Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. The fire alarm monitoring company shall be notified prior to the activation of the fire alarm system for drills proposed and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

**EXCEPTION:** Drills conducted between the hours of 9:00 p.m. and 6:00 a.m., in assisted living facilities, group homes, and residential treatment facilities licensed by the state of Washington.

**405.7.2 Shelter in place drills.** Shelter in place drills shall be initiated by the shelter in place alert signal, generated by an alerting system in accordance with Section 907.5.2.

**405.8 Accountability.** As building occupants arrive at the assembly point, efforts shall be made to determine if all occupants have been successfully evacuated and/or have been accounted for in the shelter in place.

**405.9 Recall and reentry.** The recall signal initiation shall be manually operated and under the control of the person in charge of the premises or the official in charge of the incident. No one shall reenter the premises until authorized to do so by the official in charge.)

**AMENDATORY SECTION** (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0406 Employee training and response procedures.**

**406.1 General.** Employees in the occupancies listed in Section 403 shall be trained in the emergency procedures described in their emergency plans. Training shall be based on these plans and as described in Section 404.2 and 404.3.

**406.2 Frequency.** Employees shall receive training in the contents of the emergency plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.

**406.3 Employee training program.** Employees shall be trained in fire prevention, evacuation, sheltering-in-place,

and fire safety in accordance with Sections 406.3.1 through 406.3.3.

~~((406.3.1 Fire prevention training. Employees shall be apprised of the fire hazards of the materials and processes to which they are exposed. Each employee shall be instructed in the proper procedures for preventing fires in the conduct of their assigned duties.~~

~~406.3.2 Evacuation training. Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas and procedures for evacuation.~~

~~406.3.3 Fire safety training. Employees assigned firefighting duties shall be trained to know the locations and proper use of portable fire extinguishers or other manual firefighting equipment and the protective clothing or equipment required for its safe and proper use.))~~

~~406.3.4 Emergency shelter-in-place training. Where a facility has a shelter-in-place plan, employees shall be trained on the alert and recall signals, communication system, location of emergency supplies, the use of the incident notification and alarm system, and their assigned duties and procedures in the event of an alarm or emergency.~~

~~406.4 Emergency lockdown training. This section is not adopted.~~

AMENDATORY SECTION (Amending WSR 17-18-060, filed 9/1/17, effective 10/2/17)

**WAC 51-54A-0605 ((Electrical equipment, wiring and hazards.)) Reserved.**

~~((605.11 Solar photovoltaic power systems. Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 Alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code* and chapter 19.28 RCW.~~

~~605.11.1.1 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.~~

~~605.11.1.2 Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code*. Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code* shall comply with Sections 605.11.1.2.1 through 605.11.1.2.5.~~

EXCEPTIONS: 1. Residential dwellings with an approved automatic fire sprinkler system installed.

2. Residential dwellings with approved mechanical or passive ventilation systems.

3. Where the fire code official determines that the slope of the roof is too steep for emergency access.

4. Where the fire code official determines that vertical ventilation tactics will not be utilized.

5. These requirements shall not apply to roofs where the total combined area of the solar array does not exceed thirty-three percent as measured in plan view of the total roof area of the structure, where the solar array will measure 1,000 sq. ft. or less in area, and where a minimum eighteen inches unobstructed pathway shall be maintained along each side of any horizontal ridge.

#### **605.11.1.2.1 Size of solar photovoltaic array.**

1. Each photovoltaic array shall be limited to 150 feet (45,720 mm) by 150 feet (45,720 mm). Multiple arrays shall be separated by a 3-foot wide (914 mm) clear access pathway.

2. Panels/modules shall be located up to the roof ridge where an alternative ventilation method approved by the fire code official has determined vertical ventilation techniques will not be employed.

**605.11.1.2.5 Allowance for smoke ventilation operations.** Panels and modules installed on Group R-3 residential and buildings built under the *International Residential Code* shall be located not less than 18 inches (457 mm) from the ridge in order to allow for fire department smoke ventilation operations.

EXCEPTION: Panels and modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

**605.11.2 Ground-mounted photovoltaic arrays.** Ground-mounted photovoltaic arrays shall comply with Section 605.11 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.))

#### NEW SECTION

**WAC 51-54A-0607 Section 607—Commercial kitchen hoods.**

[M]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. Factory-built commercial exhaust hoods that are listed and labeled in accordance with UL 710, and installed in accordance with Section 304.1 of the *International Mechanical Code*, shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4 and 507.5 of the *International Mechanical Code*.

2. Factory-built commercial cooking recirculating systems that are listed and labeled in accordance with UL 710B, and installed in accordance with Section 304.1 of the *International Mechanical Code*, shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5,

507.2.8, 507.3.1, 507.3.3, 507.4 and 507.5 of the *International Mechanical Code*. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with Table 403.3.1.1 of the *International Mechanical Code*. For the purpose of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet (9.3 m<sup>2</sup>).

3. Where cooking appliances are equipped with integral down-draft exhaust systems and such appliances and exhaust systems are listed and labeled for the application in accordance with NFPA 96, a hood shall not be required at or above them.

4. 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 UL 710B.

5. A Type I hood shall not be required to be installed in an R-2 occupancy with not more than 16 residents.

**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 607.2.1 and Sections 507.2, 507.2.1 and 507.2.2 of the *International Mechanical Code*.

**Table 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	Type II hood
	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>c</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>c</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	Type II hood

Type of Space	Type of Cooking	Type of Hood
	2. Roasting, pan frying, and deep frying	Type I hood
Office lunch room	1. Boiling, steaming, and warming precooked food	Residential hood <sup>c</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.

**607.3 Operations, inspection, and maintenance.** Commercial cooking systems shall be operated, inspected, and maintained in accordance with Sections 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.

AMENDATORY SECTION (Amending WSR 19-02-086, filed 1/2/19, effective 7/1/19)

**WAC 51-54A-0701 General.**

**((701-3)) 701.6 Owner's responsibility.** The owner shall maintain an inventory of all required fire-resistance-rated construction, construction installed to resist the passage of smoke and the construction included in Sections 703 through 707 and Sections 602.4.1 and 602.4.2 of the *International Building Code*. Such construction shall be visually inspected by the owner annually and properly repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space.

AMENDATORY SECTION (Amending WSR 19-02-086, filed 1/2/19, effective 7/1/19)

**WAC 51-54A-0907 Fire alarm and detection systems.**

**907.2.3 Group E.** Group E occupancies shall be provided with a manual fire alarm system that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or

2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed

as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:

2.1 The ability to broadcast voice messages or customized announcements;

2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;

2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;

2.4 The ability for two-way communications;

2.5 The ability for individual room calling;

2.6 The ability for a manual override;

2.7 Installation in accordance with NFPA 72;

2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and

2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

- EXCEPTIONS:
1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
  2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
  3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:
    - 3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or
    - 3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).
  4. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
    - 4.1 Interior corridors are protected by smoke detectors.
    - 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
    - 4.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
  5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
    - 5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
    - 5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.
    - 5.3 Manual activation is provided from a normally occupied location.

**907.2.3.1 Sprinkler systems or detection.** When automatic sprinkler systems or smoke detectors are installed, such sys-

tems or detectors shall be connected to the building fire alarm system.

~~((907.2.6 Group I. A manual fire alarm system that activates the occupant notification system shall be installed in Group I occupancies. An automatic smoke detection system that notifies the occupant notification system shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2, 907.2.6.3.3 and 907.2.6.4.~~

- EXCEPTIONS:
1. Manual fire alarm boxes in resident or patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at nurses' control stations or other constantly attended staff locations, provided such stations are visible and continually accessible and that travel distances required in Section 907.4.2 are not exceeded.
  2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official.)

**907.2.6.1 Group I-1.** An automatic smoke detection system shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and kitchens. The system shall be activated in accordance with Section 907.4.

- EXCEPTIONS:
1. For Group I-1 Condition 1 occupancies, smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
  2. Smoke detection is not required for exterior balconies.

**907.2.6.4 Group I-4 occupancies.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

- EXCEPTIONS:
1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
  2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

**907.5.2.1.2 Maximum sound pressure.** The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. For systems operating in public mode, the maximum sound pressure level shall not exceed 30 dBA over the average ambient sound level. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

~~(907.10)~~ **907.11 NICET: National Institute for Certification in Engineering Technologies and ESA/NTS: Electronic Security Association/National Training School.**

~~(907.10.1)~~ **907.11.1 Scope.** This section shall apply to new and existing fire alarm systems.

~~(907.10.2)~~ **907.11.2 Design review:** All construction documents shall be reviewed by a NICET III, an ESA/NTS Certified Fire Alarm Designer (CFAD) Level III Fire in fire alarms, or a licensed professional engineer (PE) in Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the local authority having jurisdiction indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction (effective July 1, 2018).

**907.10.3 Testing/maintenance:** All inspection, testing, maintenance and programing not defined as "electrical construction trade" by chapter 19.28 RCW shall be completed by a NICET II or ESA/NTS Certified Fire Alarm Technician (CFAT) Level II Fire in fire alarms (effective July 1, 2018).

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0909 Smoke control systems.**

**909.6.3 Pressurized stairways and elevator hoistways.** Where stairways or elevator hoistways are pressurized, such pressurization systems shall comply with the requirements of Section 909.20 of this code for stair pressurization and 909.21 of the *International Building Code and Fire Code* as necessary to determine that the stairway or elevator hoistways meet the pressurization requirements of the code. Stairway and elevator hoistway pressurization systems in high-rise buildings, underground buildings, and in airport traffic control towers shall comply with IBC and IFC Sections 909 as smoke control systems.

Stairway pressurization systems in other than high-rise buildings, underground buildings, or airport traffic control towers are smoke control systems but shall only be required to comply with the following IBC 909 Sections: 909.1, 909.2, 909.3, 909.6 with the exception of Section 909.6.1, 909.10 with the exception of Sections 909.10.2 and 909.10.3, 909.11 with the exception of Section 909.11.1, 909.12 with the exception of Sections 909.12.3.2, 909.13, 909.14, 909.17, 909.18 with the exception of Sections 909.18.2 and 909.18.9, 909.19, 909.20.5, and 909.20.6. Design drawings shall include a description of system operation, the conditions for system testing and the criteria for system acceptance to achieve the code minimum performance of the smoke control system. Stairway pressurization systems shall be maintained in accordance with Section 909.20 of this code.

Elevator hoistway pressurization systems in other than high-rise buildings, underground buildings, or airport traffic control towers are smoke control systems but shall only be required to comply with the following IBC 909 Sections: 909.1, 909.2, 909.3, 909.6 with the exception of Section 909.6.1, 909.10 with the exception of Sections 909.10.2 and 909.10.3, 909.11 with the exception of Section 909.11.1, 909.12 with the exception of Sections 909.12.3.2, 909.13, 909.14, 909.17, 909.18 with the exception of Sections 909.18.2 and 909.18.9, 909.19, and 909.21 with the excep-

tion of Sections 909.21.2, 909.21.9, and 909.21.10. Design drawings shall include a description of system operation, the conditions for system testing and the criteria for system acceptance to achieve the code minimum performance of the smoke control system. Elevator hoistway pressurization systems shall be maintained in accordance with Section 909.20 of this code.

**909.21.12 Hoistway venting.** Hoistway venting required by Section 3009 of the state building code need not be provided for pressurized elevator shafts.

**909.21.13 Machine rooms.** Elevator machine rooms shall be pressurized in accordance with this section unless separated from the hoistway shaft by construction in accordance with Section 707 of the *International Building Code*.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0915 Carbon monoxide detection.**

**915.1 General.** Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6. Carbon monoxide detection shall be installed in existing buildings in accordance with Chapter 11 of the *International Fire Code*.

**915.1.1 Where required.** Carbon monoxide detection shall be provided in Group I and R occupancies and in classrooms in Group E occupancies in the locations specified in Section 915.2 where any of the conditions in Sections 915.1.2 through 915.1.6 exist.

EXCEPTIONS:

1. R-2 occupancies, with the exception of R-2 college dormitories, are required to install carbon monoxide detectors without exception.
2. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and assisted living facilities and residential treatment facilities licensed by the state of Washington, which do not themselves contain a fuel-burning appliance, a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that they comply with the exceptions of Section 915.1.4.

~~**(915.1.2 Fuel burning appliances and fuel burning fireplaces.** Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms that contain a fuel burning appliance or a fuel burning fireplace.~~

~~**915.1.3 Forced air furnaces.** Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms served by a fuel burning, forced air furnace.~~

EXCEPTION:

Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.

~~**915.1.4 Fuel burning appliances outside of dwelling units, sleeping units and classrooms.** Carbon monoxide detection shall be provided in dwelling units, sleeping units and class-~~



rooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

- EXCEPTIONS:
1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where there are no communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
  2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where carbon monoxide detection is provided in one of the following locations:
    - 2.1 In an approved location between the fuel-burning appliance or fuel-burning fireplace, and the dwelling unit, sleeping unit or classroom.
    - 2.2 On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.

**915.1.5 Private garages.** Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms in buildings with attached private garages.

- EXCEPTIONS:
1. Carbon monoxide detection shall not be required where there are no communicating openings between the private garage and the dwelling unit, sleeping unit or classroom.
  2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms located more than one story above or below a private garage.
  3. Carbon monoxide detection shall not be required where the private garage connects to the building through an open-ended corridor.
  4. Where carbon monoxide detection is provided in an approved location between openings to a private garage and dwelling units, sleeping units or classrooms, carbon monoxide detection shall not be required in the dwelling units, sleeping units or classrooms.

**915.1.6 Exempt garages.** For determining compliance with Section 915.1.5, an open parking garage complying with Section 406.5 of the *International Building Code* or an enclosed parking garage complying with Section 406.6 of the *International Building Code* shall not be considered a private garage.

**915.2 Locations.** Where required by Section 915.1.1, carbon monoxide detection shall be installed in the locations specified in Sections 915.2.1 through 915.2.3.))

**915.2.1 Dwelling units.** Carbon monoxide detection shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each level of the dwelling. Where a fuel-burning appliance or a fuel-burning fireplace is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

**915.2.2 Sleeping units.** Carbon monoxide detection shall be installed in *sleeping units*.

- EXCEPTION:
- Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area in the immediate vicinity of the sleeping unit where the sleeping unit or its attached bathroom does not contain a fuel-burning appliance or fuel-burning fireplace and is not served by a forced air furnace.

**915.2.3 Group E occupancies.** When required by Section 915.1 in new buildings, or by Chapter 11 of the *International*

*Fire Code*, carbon monoxide detection shall be installed in classrooms in Group E occupancies. Carbon monoxide alarm signals shall be automatically transmitted to an on-site location that is staffed by school personnel.

- EXCEPTIONS:
1. Carbon monoxide alarm signals shall not be required to be automatically transmitted to an on-site location that is staffed by school personnel in Group E occupancies with an occupant load of 50 or less.
  2. Carbon monoxide alarm signals shall not be required to be automatically transmitted to an on-site location that is staffed by school personnel in Group E occupancies where an exception contained in Section 915.1 applies, or in Group E occupancies where signals are transmitted to an off-site service monitored by a third party, such as a service that monitors fire protection systems in the building.

**AMENDATORY SECTION** (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-0916 ((Alerting systems.)) Reserved.**

~~((916.1 General. An approved alerting system shall be provided in buildings and structures as required in Chapter 4 and this section, unless other requirements are provided by another section of this code.~~

- EXCEPTION:
- Approved alerting systems in existing buildings, structures or occupancies.

~~**916.2 Power source.** Alerting systems shall be provided with power supplies in accordance with Section 4.4.1 of NFPA 72 and circuit disconnecting means identified as "EMERGENCY ALERTING SYSTEM."~~

- EXCEPTION:
- Systems which do not require electrical power to operate.

~~**916.3 Duration of operation.** The alerting system shall be capable of operating under nonalarm condition (quiescent load) for a minimum of 24 hours and then shall be capable of operating during an emergency condition for a period of 15 minutes at maximum connected load.~~

~~**916.4 Combination system.** Alerting system components and equipment shall be allowed to be used for other purposes.~~

~~**916.4.1 System priority.** The alerting system use shall take precedence over any other use.~~

~~**916.4.2 Fire alarm system.** Fire alarm systems sharing components and equipment with alerting systems must be in accordance with Section 6.8.4 of NFPA 72.~~

~~**916.4.2.1 Signal priority.** Recorded or live alert signals generated by an alerting system that shares components with a fire alarm system shall, when actuated, take priority over fire alarm messages and signals.~~

~~**916.4.2.2 Temporary deactivation.** Should the fire alarm system be in the alarm mode when such an alerting system is actuated, it shall temporarily cause deactivation of all fire alarm initiated audible messages or signals during the time period required to transmit the alert signal.~~

~~**916.4.2.3 Supervisory signal.** Deactivation of fire alarm audible and visual notification signals shall cause a supervi-~~

~~atory signal for each notification zone affected in the fire alarm system.~~

~~**916.5 Audibility.** Audible characteristics of the alert signal shall be in accordance with Section 7.4.1 of NFPA 72 throughout the area served by the alerting system.~~

~~EXCEPTION: Areas served by approved visual or textual notification, where the visible notification appliances are not also used as a fire alarm signal, are not required to be provided with audibility complying with Section 916.6.~~

~~**916.6 Visibility.** Visible and textual notification appliances shall be permitted in addition to alert signal audibility.)~~

NEW SECTION

**WAC 51-54A-0918 Alerting systems.**

**918.1 General.** An approved alerting system shall be provided in buildings and structures as required in Chapter 4 and this section, unless other requirements are provided by another section of this code.

EXCEPTION: Approved alerting systems in existing buildings, structures or occupancies.

**918.2 Power source.** Alerting systems shall be provided with power supplies in accordance with Section 4.4.1 of NFPA 72 and circuit disconnecting means identified as "EMERGENCY ALERTING SYSTEM."

EXCEPTION: Systems which do not require electrical power to operate.

**918.3 Duration of operation.** The alerting system shall be capable of operating under nonalarm condition (quiescent load) for a minimum of 24 hours and then shall be capable of operating during an emergency condition for a period of 15 minutes at maximum connected load.

**918.4 Combination system.** Alerting system components and equipment shall be allowed to be used for other purposes.

**918.4.1 System priority.** The alerting system use shall take precedence over any other use.

**918.4.2 Fire alarm system.** Fire alarm systems sharing components and equipment with alerting systems must be in accordance with Section 6.8.4 of NFPA 72.

**918.4.2.1 Signal priority.** Recorded or live alert signals generated by an alerting system that shares components with a fire alarm system shall, when actuated, take priority over fire alarm messages and signals.

**918.4.2.2 Temporary deactivation.** Should the fire alarm system be in the alarm mode when such an alerting system is actuated, it shall temporarily cause deactivation of all fire alarm-initiated audible messages or signals during the time period required to transmit the alert signal.

**918.4.2.3 Supervisory signal.** Deactivation of fire alarm audible and visual notification signals shall cause a supervisory signal for each notification zone affected in the fire alarm system.

**918.5 Audibility.** Audible characteristics of the alert signal shall be in accordance with Section 7.4.1 of NFPA 72 throughout the area served by the alerting system.

EXCEPTION: Areas served by approved visual or textual notification, where the visible notification appliances are not also used as a fire alarm signal, are not required to be provided with audibility complying with Section 916.6.

**918.6 Visibility.** Visible and textual notification appliances shall be permitted in addition to alert signal audibility.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-1009 Accessible means of egress.**

**1009.1 Accessible means of egress required.** Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required by Section 1006.2 or 1006.3 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

- EXCEPTIONS:
1. (~~Accessible means of egress are not required in alterations to existing buildings.~~)
  - 2.) One accessible means of egress is required from an accessible mezzanine level in accordance with Section 1009.3, 1009.4 or 1009.5.
  - ~~((3-))~~ 2. In assembly areas with ramped aisles or stepped aisles one accessible means of egress is permitted where the common path of egress travel is accessible and meets the requirements in Section 1029.8.
  - ~~((4-))~~ 3. In parking garages, accessible means of egress are not required to serve parking areas that do not contain accessible parking spaces.

**1009.8 Two-way communication.** A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge.

- EXCEPTIONS:
1. Two-way communication systems are not required at the landing serving each elevator or bank of elevators where the two-way communication system is provided within areas of refuge in accordance with Section 1009.6.5.
  2. Two-way communication systems are not required on floors provided with ramps that provide a direct path of egress travel to grade or the level of exit discharge conforming to the provisions of Section 1012.
  3. Two-way communication systems are not required at the landings serving only service elevators that are not designated as part of the accessible means of egress or serve as part of the required accessible route into a facility.
  4. Two-way communication systems are not required at the landings serving only freight elevators.
  5. Two-way communication systems are not required at the landing serving a private residence elevator.
  6. Two-way communication systems are not required in Group I-2 or I-3 facilities.

**1009.8.1 System requirements.** Two-way communication systems shall provide communication between each required

location and the *fire command center* or a central control point location *approved* by the fire department. Where the central control point is not a *constantly attended location*, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring location. The two-way communication system shall include both audible and visible signals. The two-way communication system shall have a battery backup or an approved alternate source of power that is capable of 90 minutes use upon failure of the normal power source.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

**WAC 51-54A-1028 (~~(Exit discharge.)~~) Reserved.**

~~((1028.4.1 Width or capacity. The required capacity of egress courts shall be determined as specified in Section 1005.1, but the minimum width shall be not less than 44 inches (1118 mm), except as specified herein. Egress courts serving Group R-3 and U occupancies shall be not less than 36 inches (914 mm) in width. The required capacity and width of egress courts shall be unobstructed to a height of 7 feet (2134 mm).~~

EXCEPTION: ~~Eroachments complying with Section 1005.7.)~~

NEW SECTION

**WAC 51-54A-1204 Section 1204—Solar photovoltaic power systems.**

**1204.1 General.** Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 Alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code* and chapter 19.28 RCW.

**1204.4.1 Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code*.** Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code* shall comply with Sections 1204.2.1.1 through 1204.2.1.3.

EXCEPTIONS:

1. Residential dwellings with an approved automatic fire sprinkler system installed.
2. Residential dwellings with approved mechanical or passive ventilation systems.
3. Where the fire code official determines that the slope of the roof is too steep for emergency access.
4. Where the fire code official determines that vertical ventilation tactics will not be utilized.

5. These requirements shall not apply to roofs where the total combined area of the solar array does not exceed thirty-three percent as measured in plan view of the total roof area of the structure, where the solar array will measure 1,000 sq. ft. or less in area, and where a minimum eighteen inches unobstructed pathway shall be maintained along each side of any horizontal ridge.

**1204.6 Size of solar photovoltaic array.**

1. Each photovoltaic array shall be limited to 150 feet (45,720 mm) by 150 feet (45,720 mm). Multiple arrays shall be separated by a 3-foot wide (914 mm) clear access pathway.

2. Panels/modules shall be located up to the roof ridge where an alternative ventilation method approved by the fire code official has determined vertical ventilation techniques will not be employed.

AMENDATORY SECTION (Amending WSR 19-02-086, filed 1/2/19, effective 7/1/19)

**WAC 51-54A-3308 Owner's responsibility for fire protection.**

~~((3308.8))~~ **3308.9 Fire safety requirements for buildings of Types IV-A, IV-B, and IV-C construction.** Buildings of Types IV-A, IV-B, and IV-C construction designed to be greater than six stories above grade plane shall meet the following requirements during construction unless otherwise approved by the fire code official.

1. Standpipes shall be provided in accordance with Section 3313.

2. A water supply for fire department operations, as approved by the fire code official and the fire chief.

3. Where building construction exceeds six stories above grade plane, at least one layer of noncombustible protection where required by Section 602.4 of the *International Building Code* shall be installed on all building elements more than four floor levels, including mezzanines, below active mass timber construction before erecting additional floor levels.

EXCEPTION: Shafts and vertical exit enclosures shall not be considered a part of the active mass timber construction.

4. Where building construction exceeds six stories above grade plane required exterior wall coverings shall be installed on all floor levels more than four floor levels, including mezzanines, below active mass timber construction before erecting additional floor level.

EXCEPTION: Shafts and vertical exit enclosures shall not be considered a part of the active mass timber construction.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-3601 Marinas—Scope.**

~~((3601.1.2))~~ **3601.3 Permits.** For permits to operate marine motor fuel-dispensing stations, application of flammable or combustible finishes, and hot works, see Section 105.6.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-5306 Medical gas systems.**

**5306.1 General.** Compressed gases at hospitals and similar facilities intended for inhalation or sedation including, but not limited to, analgesia systems for dentistry, podiatry, veterinary and similar uses shall comply with Sections 5306.2 through 5306.4 in addition to other requirements of this chapter.

EXCEPTION: All new distribution piping, supply manifolds, connections, regulators, valves, alarms, sensors and associated equipment shall be in accordance with the Plumbing Code.

~~((5306.4))~~ **5306.5 Medical gas systems.** The maintenance and testing of medical gas systems including, but not limited to, distribution piping, supply manifolds, connections, pressure regulators and relief devices and valves, shall comply with the maintenance and testing requirements of NFPA 99 and the general provisions of this chapter.

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-5307 ~~((Carbon dioxide (CO<sub>2</sub>) systems))~~ Reserved.**

~~((5307.1 General. Carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide shall comply with Sections 5307.2 through 5307.5.2.))~~

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-5601 General.**

**5601.1 Scope.** The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, and small arms ammunition. 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.

EXCEPTIONS:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg) of explosive materials.

7. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOT packaging regulations.

8. Transportation in accordance with DOT 49 C.F.R. Parts ~~((400-178))~~ 100-185.

9. Items preempted by federal regulations.

**5601.1.1 Explosive material standard.** In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials. See also chapter 70.74 RCW and chapter 296-52 WAC.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-5704 Storage.**

**5704.2.11 Underground tanks.** Underground storage of flammable and combustible liquids in tanks shall comply with Section ~~((3404.2))~~ 5704.2 and Sections ~~((3404.2.11.1))~~ 5704.2.11.1 through ~~((3404.2.11.5.2))~~ 5704.2.11.4.2. Corrosion protection shall comply with WAC 173-360-305.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-6108 Fire protection.**

**6108.1 ~~((Scope))~~ General.** Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gas shall be determined in accordance with Appendix B of NFPA 58.

EXCEPTION: The use and storage of listed propane fired barbeque grills on R-2 decks and balconies with an approved container not exceeding a water capacity of 20 pounds (9 kg) that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances.

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-8200 ~~((Appendix N))~~ International Wildland-Urban Interface Code.**

**~~((N))~~101.5 Additions or alterations.** Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

EXCEPTION: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 402.3, 601.1 and Appendix A.

Additions or alterations shall not cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will

obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

**((N))108.3 Site plan.** In addition to the requirements for plans in the *International Building Code*, the code official may require site plans which include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan.

**((N))108.4 Vegetation management plans.** When required by the code official or when utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

**((N))108.7 Vicinity plan.** When required by the code official, the requirements for site plans shall include details regarding the vicinity within 300 feet (91,440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

**((N))402.1.1 Access.** New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the *International Fire Code*.

**((N))402.1.2 Water supply.** New subdivisions, as determined by this jurisdiction, shall be provided with water supply in accordance with the *International Fire Code*.

**((N))402.2 Individual structures.** Individual structures shall comply with Sections 402.2.1 and 402.2.2.

**((N))402.2.1 Access.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the *International Fire Code*.

**((N))402.2.2 Water supply.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with the *International Fire Code*.

- EXCEPTIONS:
- Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table N503.1 for a nonconforming water supply.
  - Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m<sup>2</sup>).

**((N))402.3 Existing conditions.** Existing address markers, roads and fire protection equipment shall be in accordance with the *International Fire Code*.

**Table N503.1  
Ignition-Resistant Construction<sup>a</sup>**

	Fire Hazard Severity					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply <sup>b</sup>		Water Supply <sup>b</sup>		Water Supply <sup>b</sup>	
<b>Defensible Space<sup>c</sup></b>	Conforming	Nonconforming	Conforming	Nonconforming	Conforming	Nonconforming
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

<sup>a</sup>Access shall be in accordance with Section 402.

<sup>b</sup>Water supply shall be in accordance with Section 402.1.

IR 1 = Ignition-resistant construction in accordance with Section 504.

IR 2 = Ignition-resistant construction in accordance with Section 505.

IR 3 = Ignition-resistant construction in accordance with Section 506.

N.C. = Exterior walls shall have a fire-resistance rating of not less than 1 hour and the exterior surfaces of such walls shall be noncombustible.

Usage of log wall construction is allowed.

<sup>c</sup>Conformance based on Section 603.

**((N))403 Access.** This section not adopted.

**((N))404 Water supply.** This section not adopted.

APPENDIX B-VEGETATION MANAGEMENT PLAN - THIS APPENDIX IS ADOPTED.

APPENDIX ((€)) D-FIRE DANGER RATING SYSTEM - THIS APPENDIX IS ADOPTED.

**WSR 19-16-158  
PROPOSED RULES  
BUILDING CODE COUNCIL**  
[Filed August 7, 2019, 11:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-087.

Title of Rule and Other Identifying Information: Chapter 51-50 WAC, Adoption and amendment of the 2018 International Building Code.

Hearing Location(s): On September 13, 2019, at 10:00 a.m., at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216; and on September 27, 2019, at 10:00 a.m., at the Department of Enterprise Services, Presentation Room (1213), 1500 Jefferson Street, Olympia, WA 98504.

Date of Intended Adoption: November 8, 2019.

Submit Written Comments to: Doug Orth, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by September 27, 2019.

Assistance for Persons with Disabilities: Contact Carrie Toebe, phone 360-407-9255, email carrie.toebe@des.wa.gov, by September 4, 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 Building Code (IBC), published by the International Code Council (ICC), 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 IBC  
Amendments to Chapter 51-50 WAC\*

	WAC	Section	Changes in 2018	Discussion
1	51-50-0403	403.5.4	Smokeproof enclosures	Addresses high-rise buildings.
2	51-50-0405	405.7.2	Smokeproof enclosures	Addresses underground buildings.
3	51-50-0412	412.2.2.1	Stairways	Addresses airport traffic control towers.
4	51-50-0504	504.4.1	Stair enclosure pressurization increase	Coordinates reference code sections.
5	51-50-0909	909.6.3	Pressurized stairways and elevator hoistways	Specifies which sections of section 909 apply for various conditions.
6	51-50-1023	1023.11	Smokeproof enclosures	Addresses interior pressurized systems.
7	51-50-3006	3006.3	Hoistway opening protection	Coordinates reference code sections.

\*Note: Those not listed on the table above remain as adopted in 2015.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: RCW 19.27.031, 19.27.074.

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

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting and 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 recordkeeping.

**Small Business Economic Impact Statement  
(RCW 19.85.040)**

**Description:** SBCC is filing a proposed rule to the updated 2018 edition of IBC (chapter 51-50 WAC). Since 1985 SBCC has been responsible to update to new editions of the Building Code per RCW 19.27.074. IBC and the International Existing Building Code are updated every three years by ICC. 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.

The administrative compliance requirements are under the authority of the local government, RCW 19.27.050. Compliance 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 51-50 WAC include specific technical requirements for building construction to be consistent statewide.

**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 cost of compliance incurred by Washington businesses includes training and educational materials. IBC 2018 model code costs \$102 + tax, shipping and handling. These publications are also available online at <http://codes.iccsafe.org/I-Codes.html>. ICC chapters offer training for continuing education credits

to architects, engineers and building inspectors for \$285 (in 2016).

The Building Code technical advisory group determined there is not a cost for compliance on businesses. The changes represent clarification of an existing statewide amendment.

**Loss of Sales or Revenue:** No impact.

**Cost of Compliance for Small Businesses** (determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance

for small business[es] with the cost of compliance for the ten percent of businesses that are the largest businesses): No impact.

**Reducing the Costs of the Rule on Small Businesses:** Not applicable.

**Small Businesses Involved in the Development of the Rule:** SBCC considered these amendments at an SBCC public hearing.

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

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
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.



**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, i.e., 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 generally 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.

August 5, 2019  
Doug Orth  
Council Chair

**Chapter 51-50 WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2015)) 2018 EDITION OF THE INTERNATIONAL BUILDING CODE**

AMENDATORY SECTION (Amending WSR 19-02-038, filed 12/26/18, effective 7/1/19)

**WAC 51-50-0403 Section 403—High-rise buildings.**

**403.3.2 Water supply to required fire pumps.** In all buildings that are more than 420 feet (128 m) in *building height*, and buildings of Type IV-A and IV-B that are more than 120 feet in *building height*, required fire pumps shall be supplied by connections to not fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

EXCEPTION: Two connections to the same main shall be permitted provided that the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through not fewer than one of the connections.

**403.5.4 Smokeproof enclosures.** Every required *interior exit stairway* serving floors more than 75 feet (22,860 mm) above

the lowest level of fire department vehicle access shall be a *smokeproof enclosure* in accordance with Sections 909.20 and 1023.11. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

**405.7.2 Smokeproof enclosure.** Every required stairway serving floor levels more than 30 feet (9144 mm) below the finished floor of its level of exit discharge shall comply with the requirements for a smokeproof enclosure as provided in Sections 909.20 and 1023.11. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

((EXCEPTION: Unless required by other sections of this code, portions of such stairways which extend to serve floors below the level of exit discharge need not comply with Sections 909.20 and 1023.11 provided the portion of the stairway below is separated from the level of exit discharge with a 1-hour fire barrier.))

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

**WAC 51-50-0412 Section 412—Aircraft-related occupancies.**

**412.2.2.1 Stairways.** Stairways in airport traffic control towers shall be in accordance with Section 1011. Exit stairways shall be smokeproof enclosures complying with one of the alternatives provided in Section 909.20. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

~~((F))~~ **412.8.3 Means of egress.** The means of egress from heliports and helistops shall comply with the provisions of Chapter 10. Landing areas located on buildings or structures shall have two or more means of egress. For landing areas less than 60 feet in length or less than 2,000 square feet in area, the second means of egress is permitted to be a fire escape, alternating tread device or ladder leading to the floor below. On Group I-2 roofs with helistops or helipads, rooftop structures enclosing exit stair enclosures or elevator shafts shall be enclosed with fire barriers and opening protectives that match the rating of their respective shaft enclosures below.

AMENDATORY SECTION (Amending WSR 19-02-038, filed 12/26/18, effective 7/1/19)

**WAC 51-50-0504 Section 504—Building height and number of stories.**

**Table 504.3  
Allowable Building Height in Feet Above Grade Plane<sup>a</sup>**

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV			Type V		
		A	B	A	B	A	B	A	B	C	HT	A	B
A, B, E, F, M, S, U	NS <sup>b</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	270	180	85	85	70	60

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
H-1, H-2, H-3, H-5	NS <sup>c,d</sup>	UL	160	65	55	65	55	120	90	65	65	50	40
	S												
H-4	NS <sup>c,d</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	140	100	85	85	70	60
I-1 Condition 1, I-3	NS <sup>d,e</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	180	120	85	85	70	60
I-1 Condition 2, I-2	NS <sup>d,e,f</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85									
I-4	NS <sup>d,g</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	180	120	85	85	70	60
R	NS <sup>d</sup>	UL	160	65	55	65	55	65	65	65	65	50	40
	S13R	60	60	60	60	60	60	60	60	60	60	60	60
	S	UL	180	85	75	85	75	270	180	85	85	70	60

For SI: 1 foot = 304.8 mm.

UL = Unlimited; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- a See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d The NS value is only for use in evaluation of existing building height in accordance with the International Existing Building Code.
- e New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies Condition 1, see Exception 1 of Section 903.2.6.
- f New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.

**Table 504.4**  
**Allowable Number of Stories Above Grade Plane<sup>a,b</sup>**

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
A-1	NS	UL	5	3	2	3	2	3	3	3	3	2	1
	S	UL	6	4	3	4	3	9	6	4	4	3	2
A-2	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2
A-3	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2
A-4	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2
A-5	NS	UL	UL	UL	UL	UL	UL	1	1	1	UL	UL	UL
	S	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL
B	NS	UL	11	5	3	5	3	5	5	5	5	3	2
	S	UL	12	6	4	6	4	18	12	9	6	4	3

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
E	NS	UL	5	3	2	3	2	3	3	3	3	1	1
	S	UL	6	4	3	4	3	9	6	4	4	2	2
F-1	NS	UL	11	4	2	3	2	3	3	3		2	1
	S	UL	12	5	3	4	3	10	7	5	5	3	2
F-2	NS	UL	11	5	3	4	3	5	5	5	5	3	2
	S	UL	12	6	4	5	4	12	8	6	6	4	3
H-1	NS <sup>c,d</sup>	1	1	1	1	1	1	NP	NP	NP	1	1	NP
	S							1	1	1			
H-2	NS <sup>c,d</sup>	UL	3	2	1	2	1	1	1	1	2	1	1
	S							2	2	2			
H-3	NS <sup>c,d</sup>	UL	6	4	2	4	2	3	3	3	4	2	1
	S							4	4	4			
H-4	NS <sup>c,d</sup>	UL	7	5	3	5	3	5	5	5	5	3	2
	S	UL	8	6	4	6	4	8	7	6	6	4	3
H-5	NS <sup>c,d</sup>	4	4	3	3	3	3	2	2	2	3	3	2
	S							3	3	3			
I-1 Condition 1	NS <sup>d,e</sup>	UL	9	4	3	4	3	4	4	4	4	3	2
	S	UL	10	5	4	5	4	10	7	5	5	4	3
I-1 Condition 2	NS <sup>d,e</sup>	UL	9	4	3	4	3	3	3	3	4	3	2
	S	UL	10	5				10	6	4			
I-2	NS <sup>d,f</sup>	UL	4	2	1	1	NP	NP	NP	NP	1	1	NP
	S	UL	5	3				7	5	1			
I-3	NS <sup>d,e</sup>	UL	4	2	1	2	1	2	2	2	2	2	1
	S	UL	5	3	2	3	2	7	5	3	3	3	2
I-4	NS <sup>d,g</sup>	UL	5	3	2	3	2	3	3	3	3	1	1
	S	UL	6	4	3	4	3	9	6	4	4	2	2
M	NS	UL	11	4	2	4	2	4	4	4	4	3	1
	S	UL	12	5	3	5	3	12	8	6	5	4	2
R-1h	NS <sup>d</sup>	UL	11	4	4	4	4	4	4	4	4	3	2
	S13R	4	4									4	3
	S	UL	12	5	5	5	5	18	12	8	5	4	3
R-2h	NS <sup>d</sup>	UL	11	4	4	4	4	4	4	4	4	3	2
	S13R	4	4	4								4	3
	S	UL	12	5	5	5	5	18	12	8	5	4	3
R-3h	NS <sup>d</sup>	UL	11	4	4	4	4	4	4	4	4	3	3
	S13D	4	4									3	3
	S13R	4	4									4	4
	S	UL	12	5	5	5	5	18	12	5	5	4	4

Occupancy Classification	Type of Construction													
	See Footnotes	Type I		Type II		Type III		Type IV				Type V		
		A	B	A	B	A	B	A	B	C	HT	A	B	
R-4h	NS <sup>d</sup>	UL	11	4	4	4	4	4	4	4	4	4	3	2
	S13D	4	4										3	2
	S13R	4	4										4	3
	S	UL	12	5	5	5	5	18	12	5	5	4	3	
S-1	NS	UL	11	4	2	3	2	4	4	4	4	3	1	
	S	UL	12	5	3	4	3	10	7	5	5	4	2	
S-2	NS	UL	11	5	3	4	3	4	4	4	4	4	2	
	S	UL	12	6	4	5	4	12	8	5	5	5	3	
U	NS	UL	5	4	2	3	2	4	4	4	4	2	1	
	S	UL	6	5	3	4	3	9	6	5	5	3	2	

UL = Unlimited; NP = Not permitted; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- a See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d The NS value is only for use in evaluation of existing building height in accordance with the International Existing Building Code.
- e New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies Condition 1, see Exception 1 of Section 903.2.6.
- f New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.

**504.4.1 Stair enclosure pressurization increase.** For Group R1, ~~(and R2 occupancies)~~ R2 and I-1 Condition 2 Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC located in buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum number of stories permitted in Section 504.2 may be increased by one provided the interior exit stairways and ramps are pressurized in accordance with Sections ~~(909)~~ 909.6.3 and 909.20. Legally required standby power shall be provided in accordance with Sections 909.11 and 2702.2.16 for buildings constructed in compliance with this section and be connected to stairway shaft pressurization equipment, elevators and lifts used for accessible means of egress ~~(if provided),~~ elevator hoistway pressurization equipment (if provided) and other life safety equipment as determined by the authority having jurisdiction. For the purposes of this section, legally required standby power shall comply with ~~((2014))~~ 2017 NEC Section 701.12, options (A), (B), (C), (D), (F), or (G) or subsequent revised section number(s).

**909.6.3 Pressurized stairways and elevator hoistways.** Where stairways or elevator hoistways are pressurized, such pressurization systems shall comply with the requirements of Section 909.20 of this code for stair pressurization and Section 909.21 of the International Building Code and Fire Code as necessary to determine that the stairway or elevator hoistways meet the pressurization requirements of the code. Stairway and elevator hoistway pressurization systems in high-rise buildings, underground buildings, and in airport traffic control towers shall comply with IBC and IFC Sections 909 as smoke control systems.

Stairway pressurization systems in other than high-rise buildings, underground buildings, or airport traffic control towers are smoke control systems but shall only be required to comply with the following IBC 909 Sections: 909.1, 909.2, 909.3, 909.6 with the exception of Sections 909.6.1, 909.10 with the exception of Sections 909.10.2 and 909.10.3, 909.11 with the exception of Sections 909.11.1, 909.12 with the exception of Sections 909.12.3.2, 909.13, 909.14, 909.17, 909.18 with the exception of Sections 909.18.2 and 909.18.9, 909.19, 909.20.5, and 909.20.6. Design drawings shall include a description of system operation, the conditions for system testing and the criteria for system acceptance to achieve the code minimum performance of the smoke control system. Stairway pressurization systems shall be maintained in accordance with Section 909.20 of the *International Fire Code*.

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

**WAC 51-50-0909 Section 909—Smoke control systems.**

Elevator hoistway pressurization systems in other than high-rise buildings, underground buildings, or airport traffic control towers are smoke control systems but shall only be required to comply with the following IBC 909 Sections: 909.1, 909.2, 909.3, 909.6 with the exception of Sections 909.6.1, 909.10 with the exception of Sections 909.10.2 and 909.10.3, 909.11 with the exception of Sections 909.11.1, 909.12 with the exception of Sections 909.12.3.2, 909.13, 909.14, 909.17, 909.18 with the exception of Sections 909.18.2 and 909.18.9, 909.19, and 909.21 with the exception of Sections 909.21.2, 909.21.9, and 909.21.10. Design drawings shall include a description of system operation, the conditions for system testing and the criteria for system acceptance to achieve the code minimum performance of the smoke control system. Elevator hoistway pressurization systems shall be maintained in accordance with Section 909.20 of the *International Fire Code*.

**909.21.12 Hoistway venting.** Hoistway venting need not be provided for pressurized elevator shafts.

**909.21.13 Machine rooms.** Elevator machine rooms shall be pressurized in accordance with this section unless separated from the hoistway shaft by construction in accordance with Section 707.

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

**WAC 51-50-1008 Section 1008—(~~Reserved~~)**  
**Means of egress illumination.**

**1008.2.3 Exit discharge.** This subsection not adopted.

NEW SECTION

**WAC 51-50-1023 Section 1023—Interior exit stairways and ramps.**

**1023.11 Smokeproof enclosures.** Where required by Section 403.5.4, 405.7.2 or 412.2.2.1, interior exit stairways and ramps shall be smokeproof enclosures in accordance with Section 909.20. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

**WAC 51-50-3006 Section 3006—(~~Reserved~~)**  
**Elevators and conveying systems.**

**3006.3 Hoistway opening protection.** Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.2.2.1 as required for corridor walls. Penetrations of the enclosed ele-

vator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

2. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by smoke partitions in accordance with Section 710 where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition, doors protecting openings in the smoke partitions shall comply with Sections 710.5.2.2, 710.5.2.3, and 716.2.6.1. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

3. Additional doors shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such door shall comply with the smoke and draft control door assembly requirements in Section 716.2.2.1.1 when tested in accordance with UL 1784 without an artificial bottom seal.

4. The elevator hoistway shall be pressurized in accordance with Sections 909.6.3 and 909.21.

## WSR 19-16-159

### PROPOSED RULES

### LIQUOR AND CANNABIS

### BOARD

[Filed August 7, 2019, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-06-109.

Title of Rule and Other Identifying Information: WAC 314-02-106 What is a spirits retailer license?, 314-23-001 What does a spirits distributor license allow?, 314-23-005 What are the fees for a spirits distributor license?, 314-23-021 What are the monthly reporting and payment requirements for a spirits distributor license?, 314-23-022 What if a distributor licensee fails to report or pay, or reports or pays late?, 314-23-030 What does a spirits certificate of approval license allow?, 314-23-041 What are the monthly reporting requirements for a spirits certificate of approval licensee?, 314-23-042 What if a spirits certificate of approval licensee fails to report or reports late? and 314-28-070 Monthly reporting and payment requirements for a distiller and craft distiller, are being revised to clarify who is responsible for paying spirits distributor license fees as a result of an August 8, 2017, Court of Appeals Decision. Other changes include technical and clarifying updates. WAC 314-23-025 Collection of shortfall of spirits distributor license fees from spirits distributor license holders, this section will be repealed because the provisions of the rule expired March 31, 2013.

Hearing Location(s): On September 18, 2019, at 10:00 a.m., at 1025 Union Avenue, Olympia, WA 98504.

Date of Intended Adoption: October 2, 2019.

Submit Written Comments to: Janette Benham, P.O. Box 43080, Olympia, WA 98504, email rules@lcb.wa.gov, fax 360-664-9689, by September 18, 2019.

Assistance for Persons with Disabilities: Contact Claris Nnanabu, Americans with Disabilities Act coordinator, human resources, phone 360-664-1642, fax 360-664-9689, TTY 711 or 1-800-833-6388, email Claris.Nnanabu@lcb.wa.gov, by September 11, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule revisions reflect that distributor license fees cannot be collected from licensed distillers or certificate of approval holders. The revisions require retailers selling spirits for resale to pay the distributor license fee when no other distributor license fee has been paid. Revisions clarify fee requirements and include additional technical and clarifying updates. WAC 314-23-025 relating to the collection of shortfall of spirits distributor license fees will be repealed since the provisions of the rule expired March 31, 2013.

Reasons Supporting Proposal: The revised rules will ensure the Washington state liquor and cannabis board (WSLCB) is compliant with the August 8, 2017, Court of Appeals Decision, *Washington Restaurant Association, et al., v. WSLCB*, 200 Wn.App. 119, 401 P.3d 428 (2017).

Statutory Authority for Adoption: RCW 66.24.055.

Rule is necessary because of state court decision, *Washington Restaurant Association, et al., v. WSLCB*, 200 Wn.App. 119, 401 P.3d 428 (2017).

Name of Proponent: WSLCB, governmental.

Name of Agency Personnel Responsible for Drafting: Janette Benham, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019; 1025 Union Avenue, Olympia, WA, 360-664-1760; Implementation: Becky Smith, Licensing Director, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019; 1025 Union Avenue, Olympia, WA, 360-664-1615; and Enforcement: Justin Nordhorn, Enforcement Chief, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019; 1025 Union Avenue, Olympia, WA, 360-664-1726.

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 because the subject of proposed rule making does not qualify as a significant legislative rule or other rule requiring a cost-benefit analysis under RCW 34.05.328(5).

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 rule content is explicitly and specifically dictated by statute.

August 7, 2019  
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Chair

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-106 What is a spirits retailer license?**

(1) ~~((A spirits retailer licensee may not sell spirits under this license until June 1, 2012. A spirits retailer is a retail licensee.))~~ The holder of a spirits retailer license is allowed to:

(a) Sell spirits in original containers to consumers for off-premises consumption;

(b) Sell spirits in original containers to permit holders (see chapter 66.20 RCW);

(c) Sell spirits in original containers to on-premises liquor retailers, for resale at their licensed premises, although no single sale may exceed twenty-four liters; and

(d) Export spirits in original containers.

(2) A spirits retailer licensee that intends to sell to another retailer must possess a basic permit under the Federal Alcohol Administration Act. This permit must provide for purchasing distilled spirits for resale at wholesale. A copy of the federal basic permit must be submitted to the board. A federal basic permit is required for each location from which the spirits retailer licensee plans to sell to another retailer.

(3) A sale by a spirits retailer licensee is a retail sale only if not for resale to an on-premises spirits retailer. On-premises retail licensees that purchase spirits from a spirits retail licensee must abide by RCW 66.24.630.

(4) A spirits retail licensee must pay to the board seven percent of all spirits sales. ~~((The first payment is due to the board October 1, 2012, for sales from June 1, 2012, to June 30, 2012 (see WAC 314-02-109 for quarterly reporting requirements).))~~

~~Reporting of spirits sales and payment of fees must be submitted on forms provided by the board.))~~

(5) Per RCW 66.24.055, a spirits retail licensee selling for resale must pay to the board a ten percent distributor license fee for the first twenty-seven months of licensure, and a five percent distributor license fee for month twenty-eight and each month thereafter. The fee is required on sales of spirits which the licensee selling to another licensee for resale is the first to have received:

(a) Spirits manufactured in the state, from the distiller; or

(b) Spirits manufactured outside of the state from an authorized out-of-state supplier; and

(c) No other distributor license fee has been paid.

(6) Reporting of spirits sales and payment of fees must be submitted electronically or on forms provided by the board. Reporting requirements are outlined in WAC 314-02-109.

(7) A spirits retail licensee may apply for a spirits sampling endorsement to conduct spirits sampling if they meet the following criteria:

(a) Be a participant in the responsible vendor program;

(b) Advertising:

(i) For spirits retail licensees that also hold a grocery store license, signs advertising spirits samplings may not be placed in the windows or outside of the premises that can be viewed from the public right of way;

(ii) For spirits retail licensees that also hold a beer/wine specialty store license, advertising of spirits sampling may be advertised but not state that sampling is free of charge.

(c) Spirits samplings are to be conducted in the following manner:

(i) Spirits samplings service area and facilities must be located within the licensees' fully enclosed retail area and must be of a size and design that the licensee can observe and control persons in the area.

(ii) The licensee must provide a sketch of the sampling area. Fixed or (~~moveable~~) movable barriers are required around the sampling area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol. The sketch is to be included with the application for the spirits sampling endorsement.

(iii) Each sample may be no more than one-half ounce of spirits, and no more than a total of one and one-half ounces of spirits samples per person during any one visit to the premises. Spirits samples may be altered with mixers, water, and/or ice.

(iv) The licensee must have food available for the sampling participants.

(v) Customers must remain in the service area while consuming samples.

(vi) All employees serving spirits during sampling events must hold a class 12 server permit.

(vii) There must be at least two employees on duty when conducting spirits sampling events.

(viii) Spirits sampling activities are subject to RCW 66.28.305 and 66.28.040.

(d) Licensees are required to send a list of scheduled spirits samplings to their regional enforcement office at the beginning of each month. The date and time for each sampling must be included.

~~((6))~~ (8) The annual fee for a spirits retail license is one hundred sixty-six dollars.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-23-001 What does a spirits distributor license allow?** (1) (~~A spirits distributor licensee may not commence sales until March 1, 2012.~~) A spirits distributor licensee is allowed to:

(a) Sell spirits purchased from manufacturers, distillers, importers, or spirits certificate of approval holders;

(b) Sell spirits to any liquor licensee allowed to sell spirits;

(c) Sell spirits to other spirits distributors; (~~and~~)

(d) Sell spirits to bona fide full-time employees per RCW 66.28.185 under the following conditions:

(i) No spirits may be sold unless they are in such condition that they cannot reasonably be sold in the normal course of business, such as damage to the label on an individual bottle;

(ii) No spirits may be sold for less than the spirits distributor licensee's cost of acquisition; and

(iii) No spirits may be sold to a person who has been employed by the spirits distributor licensee for less than ninety days at the time of the sale or who is under the age of twenty-one.

(e) Export spirits from the state of Washington.

(2) The price of spirits sold to retailers may not be below acquisition cost.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-23-005 What are the fees for a spirits distributor license?** (1) The holder of a spirits distributor license must pay to the board a monthly license fee (~~(as follows)~~). The license fee is:

(a) Ten percent of the total revenue from all sales of spirits to employees and retail licensees made during the month for which the fee is due for the first (~~(two years))~~ twenty-seven months of licensure; (~~and~~) or

(b) Five percent of the total revenue from all sales of spirits to employees and retail licensees made during the month for which the fee is due for the (~~(third year))~~ twenty-eighth month of licensure and (~~(every year))~~ each month thereafter((-); and

(c) (~~(The license fee is only calculated))~~ Required on sales of (~~(items))~~ spirits which the licensee was the first spirits distributor in the state to have received:

(i) (~~(In the case of))~~ Spirits manufactured in the state, from the distiller; or

(ii) (~~(In the case of))~~ Spirits manufactured outside of the state, from (~~(a spirits certificate of approval holder. (-))~~) an authorized out-of-state supplier.

(2) For sales to employees under RCW 66.28.185 and 66.24.630, the holder of a spirits distributor license must pay a license fee of seventeen percent of the total revenue from sales of spirits to employees made during the month for which the fee is due.

(3) Reporting of sales and payment of fees must be submitted electronically or on forms provided by the board.

~~((2))~~ (4) The annual fee for a spirits distributor license is one thousand three hundred twenty dollars for each licensed location.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-23-021 What are the monthly reporting and payment requirements for a spirits distributor license?** (1) A spirits distributor must submit monthly sales reports and payments to the board.

(2) The required monthly sales reports must be:

(a) Filed electronically or on a form furnished by the board;

(b) Filed every month, including months with no activity or payment due;

(c) Submitted, with any payment due((-)) to the board on or before the twentieth day of each month((-)) for the previous month((-)) (for example, a report listing transactions for the month of January is due by February 20th((-)). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day; and

(d) Filed separately for each liquor license held.

(3) Electronic payments will be considered received on the date they post in the WSLCB receiving account.

AMENDATORY SECTION (Amending WSR 14-12-101, filed 6/4/14, effective 7/5/14)

**WAC 314-23-022 What if a distributor licensee fails to report or pay, or reports or pays late?** (1) Failure of a spirits distributor licensee to submit ~~((its))~~ monthly reports and payment to the board as required in WAC 314-23-021(1) will be sufficient grounds for the board to suspend or revoke the liquor license.

(2) A penalty of two percent per month will be assessed on any payments postmarked or posted in the WSLCB receiving account if paying electronically after the twentieth day of the month following the month of sale. When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the ~~((filing))~~ report and payment must be postmarked ~~((by the U.S. Postal Service))~~ or posted in the WSLCB receiving account if paying electronically no later than the next postal business day.

Absent a postmark, and if not paying electronically, the date received at the ~~((Washington state liquor control board, or designee,))~~ WSLCB will be used to determine if penalties are to be assessed.

(3) Electronic payments will be considered received on the date they post in the WSLCB receiving account.

AMENDATORY SECTION (Amending WSR 13-07-009, filed 3/7/13, effective 4/7/13)

**WAC 314-23-030 What does a spirits certificate of approval license allow?** (1) ~~((A spirits certificate of approval licensee may not commence sales until March 1, 2012.))~~ A spirits certificate of approval license may be issued to spirits manufacturers located outside of the state of Washington but within the United States.

(2) There are three separate spirits certificate of approval licenses as follows:

(a) A holder of a spirits certificate of approval may act as a distributor of spirits they are entitled to import into the state by selling directly to spirits distributors or spirits importers licensed in Washington state. The fee for a certificate of approval is two hundred dollars per year.

(b) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced in the United States but outside of Washington state may obtain a spirits authorized representative domestic certificate of approval license which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for spirits is two hundred dollars per year.

(c) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced outside of the United States obtains a spirits authorized representative foreign certificate of approval which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for foreign spirits is two hundred dollars per year.

(3) A spirits certificate of approval holder, a spirits authorized representative domestic certificate of approval holder, and/or a spirits authorized representative foreign cer-

tificate of approval holder must obtain an endorsement to the certificate of approval that allows the shipment of spirits the holder is entitled to import into the state directly to licensed liquor retailers. The fee for this endorsement is one hundred dollars per year and is in addition to the fee for the certificate of approval license.

(4) The holder of a certificate of approval license that sells directly to licensed liquor retailers must~~((~~

~~((a)))~~ report to the board monthly, electronically or on forms provided by the board, the amount of all sales of spirits to licensed spirits retailers~~((~~

~~((b))~~ ~~Pay to the board a fee of ten percent of the total revenue from all sales of spirits to retail licensees made during the month for which the fee is due for the first two years of licensure.~~

~~((c))~~ ~~Pay to the board five percent of the total revenue from all sales of spirits to retail licensees made during the month for which the fee is due for the third year of licensure and every year thereafter))~~ and spirits distributors.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-23-041 What are the monthly reporting ~~((and payment))~~ requirements for a spirits certificate of approval licensee?** (1) A spirits certificate of approval licensee must submit monthly reports ~~((and payments))~~ to the board.

(2) The required monthly reports must be:

(a) Filed electronically or on a form furnished by the board;

(b) Filed every month, including months with no activity ~~((or payment due));~~

(c) Submitted~~((, with payment due, to the board))~~ on or before the twentieth day of each month, for the previous month~~(((-))~~ (for example, a report listing transactions for the month of January is due by February 20th~~(((-))~~). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day; and

(d) Filed separately for each liquor license held.

(3) Absent a postmark, the date received at the WSLCB will be used to determine timeliness.

AMENDATORY SECTION (Amending WSR 14-12-101, filed 6/4/14, effective 7/5/14)

**WAC 314-23-042 What if a spirits certificate of approval licensee fails to report ~~((or pay))~~ or reports ~~((or pays))~~ late?** ~~((1))~~ ~~If a spirits certificate of approval licensee does not submit its monthly reports and payment to the board as required by this subsection (1), the licensee is subject to penalties.~~

~~((2))~~ ~~A penalty of two percent per month will be assessed on any payments postmarked after the twentieth day of the month following the month of sale. When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.~~

~~Absent a postmark, the date received at the Washington state liquor control board, or designee, will be used to deter-~~



~~mine if penalties are to be assessed.)~~ The board may revoke or suspend a certificate of approval license for failure to submit monthly reports or for submitting reports after the monthly due date.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-23-025 Collection of shortfall of spirits distributor license fees from spirits distributor license holders.

AMENDATORY SECTION (Amending WSR 18-02-006, filed 12/20/17, effective 1/20/18)

**WAC 314-28-070** ~~((What are the))~~ **Monthly reporting and payment requirements for a ((distillery)) distiller and craft ((distillery license?)) distiller.** (1) A distiller or craft distiller must submit monthly production and sales reports and payment((s)) to the board.

(2) The required monthly reports must be:

(a) Filed electronically or mailed on a form furnished by the board;

(b) Filed every month, including months with no activity or payment due;

(c) Submitted((;)) with any payment due((;)) to the board on or before the twentieth day of each month((;)) for the previous month((;)) (for example, a report listing transactions for the month of January is due by February 20th).((;)) When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the ~~((filing))~~ report and payment must be submitted electronically or postmarked by the U.S. postal service no later than the next postal business day; and

(d) Filed separately for each liquor license held.

~~((2))~~ (3) For reporting purposes, production is the distillation of spirits from mash, wort, wash, or any other distilling material. After the production process is ~~((completed))~~ complete, a production gauge ~~((shall))~~ must be made to establish the quantity and proof of the spirits produced. ~~((The))~~ Designation ~~((as to))~~ of the kind of spirits ~~((shall also))~~ must be made at the time of the production gauge. The distiller must maintain a record of the production gauge ~~((shall be maintained by the distiller))~~. The ~~((completion of the))~~ production process is complete when the product is packaged for distribution. Production quantities are reportable within thirty days of the completion of the production process.

~~((3))~~ A distillery or craft distillery must pay ten percent of their gross spirits revenue to the board on sales to a licensee allowed to sell spirits for on- or off-premises consumption during the first twenty-seven months of licensure and five percent of their gross spirits revenues to the board in the twenty-eighth month and thereafter.

~~((a))~~ A distillery ~~((4))~~ A distiller must pay seventeen percent of their gross spirits revenue to the board on sales to customers for off-premises consumption.

~~((b))~~ (a) Payments must be submitted((;)) with the monthly reports~~((, to the board))~~ on or before the twentieth day of each month((;)) for the previous month((;)) (for example, payment for a report listing transactions for the month of

January is due by February 20th).((;)) When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, payment must be made or postmarked by the U.S. postal service no later than the next postal business day.

(b) Electronic payments will be considered received on the date they post in the WSLCB receiving account.