

**WSR 08-18-014****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 22, 2008, 1:57 p.m.]

Subject of Possible Rule Making: WAC 246-790-010, 246-790-050, 246-790-070, 246-790-080, 246-790-090, 246-790-100, 246-790-120, and 246-790-130, amending women, infants and children (WIC) nutrition program requirements for authorized retailers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120 Federal programs—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department implements federal rule 7 C.F.R. 246, which establishes requirements for retailers selected to participate in the women, infants and children (WIC) nutrition program. Chapter 246-790 WAC sets standards and practices for implementing the federal law in Washington. Requirements for retailers include: Definitions, retailer selection criteria; the process for getting a food authorized for WIC; how a grocery store becomes WIC authorized; how to contract with the department as a WIC authorized retailer; noncompliance with the retailer contract and sanctions that may be imposed for noncompliance; how to appeal WIC decisions and a description of the retailer advisory committee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health is the only Washington state agency that regulates the WIC nutrition program. Rules currently in place on these topics needs to be updated to reflect revised federal and program requirements.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the formulation of the proposed rule and the decision to adopt the new rule. The department will distribute the draft rule to interested parties to gather comments. We will hold two stakeholder input meetings and use the department's web site to alert the public, retailers, the WIC retailer advisory committee and food industry organizations about the proposed changes. Interested parties and stakeholders may attend and participate in the public rules hearing. For more information, contact Janice Boden, WIC Nutrition Program, P.O. Box 47886, Olympia, WA 98504-7886, (360) 236-3610, e-mail janice.boden@doh.wa.gov.

August 22, 2008  
Mary C. Selecky  
Secretary

**WSR 08-18-022****PREPROPOSAL STATEMENT OF INQUIRY  
FOREST PRACTICES BOARD**

[Filed August 26, 2008, 11:51 a.m.]

Subject of Possible Rule Making: Amend chapter 222-30 WAC, Timber harvesting, related to riparian areas. The

forest practices board is considering a fixed-width, no-cut buffer approach.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reason for this rule making is to simplify rules for management of riparian areas on forest land while protecting riparian function.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board adopts rules pertaining to water quality protection with agreement from the Washington department of ecology.

Process for Developing New Rule: The board will request input from interested stakeholders and seek to reach consensus on the terms of the proposed rule. Also, prior to filling the CR-102 Proposed rule making, the board will request input from counties of the state and the Washington department of fish and wildlife per RCW 76.09.040(2), as well as the department of ecology and tribes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

August 25, 2008  
Victoria Christiansen  
Chair

**WSR 08-18-028****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed August 27, 2008, 1:34 p.m.]

Subject of Possible Rule Making: Commute trip reduction (CTR) program rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.537.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency needs to clarify and update language to reflect the current state of the CTR programs which fall under chapter 468-63 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commute trip reduction board, RCW 70.94.537, is directed to advise the Washington department of transportation (WSDOT) on the content of the rules. WSDOT is coordinating development of the rules with the CTR board.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Casey Kanzler, WSDOT, P.O. Box

47387, Olympia, WA 98504-7387, (360) 705-7874, kanzlec@wsdot.wa.gov.

August 27, 2008  
Stephen T. Reinmuth  
Chief of Staff

**WSR 08-18-039**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 28, 2008, 9:11 a.m.]

Subject of Possible Rule Making: WAC 246-976-485 through 246-976-887, amending EMS and trauma system's (EMS and TS) trauma service designation rules and standards for adult and pediatric trauma care services and trauma rehabilitation services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.050 and 70.168.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is opening emergency medical services' trauma service designation and rehabilitation rules for adult and pediatric services to ensure regulations and standards are clear, concise, and current for the benefit and safety of the public. Issues that will be reviewed include, but are not limited to, the expanded use of mid-level providers in trauma service designation facilities, clarifying roles of Level IV and V facilities, and formalizing performance expectations of each level of trauma service. The governor's steering committee for emergency medical services and trauma system published a strategic plan that requires inclusion of new objectives, which these rules revisions will support.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Collaborative rule making - EMS and TS committees, subcommittees, key stakeholders, constituents, and interested public citizens will be able to participate in the review and drafting of proposed language through open public meetings, mailings, and e-mails posted to the department of health rules comment web site. Public workshops will be held statewide to ensure maximum opportunity for public input into the rule-making process. The department shall assure an opportunity for consultation, review, and comment by the public and EMS providers as stipulated by RCW 70.168.050.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maura Craig, Legislative and Policy Analyst, Division of Health Systems Quality Assurance, P.O. Box 47850, Olympia, WA 98504-7850, e-mail maura.craig@doh.wa.gov, phone (360) 236-4987, fax (360) 236-2829. The department will notify all licensees, organizations, and private citizens who have expressed an interest in rule-making

activities. Interested parties may also submit written comments for the department's consideration.

August 28, 2008  
Mary C. Selecky  
Secretary

**WSR 08-18-041**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed August 28, 2008, 2:09 p.m.]

Subject of Possible Rule Making: Minimum ages for youths hunting unaccompanied by an adult and for purchasing hunting licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is contemplating changes to Washington's minimum age requirements for hunting and trapping without adult supervision and for purchasing hunting and trapping licenses. The department is undertaking this examination to determine how to keep hunters, hikers, and others safe when they are sharing outdoor recreation areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is working with its counterparts in several other U.S. states to compare minimum age hunting requirements with safety statistics to determine whether to change Washington's minimum age hunting requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by October 15, 2008. Expected proposal filing on or after November 5, 2008.

August 28, 2008  
Loreva M. Preuss  
Rules Coordinator

**WSR 08-18-055**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 2, 2008, 8:14 a.m.]

Subject of Possible Rule Making: Chapter 308-91 WAC, Reciprocity and proration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.36.435.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Art Farley, Prorate Manager, (360) 664-1820, afarley@dol.wa.gov, Department of Licensing, Vehicle Services, Mailstop 48001, P.O. Box 9036, Olympia, WA 98507-9036.

August 25, 2008  
 Karla Laughlin  
 Acting Administrator  
 Prorate and Fuel Tax

### WSR 08-18-057

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed September 2, 2008, 10:30 a.m.]

Subject of Possible Rule Making: Adopt rules that provide cost savings for course materials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), 28B.10.590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Law requires rules be adopted to provide maximum cost savings to students for course materials without sacrificing educational content. Rules would require affiliated bookstores to disclose retail costs and new edition information for course materials, and to administer purchasing/bundling and buyback programs in ways that give students the least costly options. The rules would encourage faculty to work with publishers and affiliated bookstores to achieve these same goals.

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

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6233, and e-mail tlutey@ewu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

September 2, 2008  
 Trent Lutey  
 University Policy Administrator

### WSR 08-18-064

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-16—Filed September 2, 2008, 1:09 p.m.]

Subject of Possible Rule Making: The proposed rule will update chapter 173-423 WAC, Low emission vehicles, to accomplish two things: (1) Incorporate by reference (IBR) recent changes to California clean car regulations to maintain consistency with the California motor vehicle emission standards, and (2) incorporate by reference California's environmental performance (EP) label requirement which provides global warming (greenhouse gases) and smog emissions scores for new automobiles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.120A.010 and chapter 32, Laws of 2008, SSB 6309, Greenhouse gas emissions—Disclosure—New vehicles.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington legislature requires automotive emissions standards to be consistent with California low emission vehicles standards in Title 13 of the California Code of Regulations. The federal Clean Air Act allows states to opt into the California clean car program and requires that states who opt in maintain consistency with the California vehicle emission standards. RCW 70.120A.010 directs ecology to "amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards." This rule making will IBR the latest version of Title 13 of the California Code of Regulations into chapter 173-423 WAC. The update includes California's EP label program, which also fulfills the requirements of SSB 6309.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other ecology programs or federal agencies are involved. The department of licensing (DOL) has a role to ensure only new vehicles meeting California standards are registered in Washington. This rule making does not alter or affect the DOL role but ecology will keep them informed of the process.

Process for Developing New Rule: The proposed rule will be drafted internally by staff using IBR of Title 13 of the California Code of Regulations. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Neil Caudill, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6811, fax (360) 407-7534, ncau461@ecy.wa.gov, or accessing the ecology web site <http://www.ecy.wa.gov/laws-rules/index.html>.

August 28, 2008  
 Stuart A. Clark  
 Air Quality Program Manager

**WSR 08-18-066****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 2, 2008, 1:45 p.m.]

Subject of Possible Rule Making: WAC 308-104-160 Nonmoving violation defined.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.291, and 46.65.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the definition of non-moving violations by including reference to new violations created by recent legislation.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

August 28, 2008  
Clark J. Holloway  
Legislative Liaison

**WSR 08-18-067****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 2, 2008, 1:45 p.m.]

Subject of Possible Rule Making: Ignition interlock driver licensing, ignition interlock device compliance pilot program, WAC 308-104-100, regarding eligibility for occupational/temporary restricted driver's licenses, and WAC 308-104-105, regarding occupational/temporary restricted license denial hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.308, 46.20.385, 46.20.391, and 46.20.745.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is directed by RCW 46.20.385 to adopt rules to implement ignition interlock licensing, to provide for ignition interlock driver license denial hearings, and to provide monetary assistance for indigent persons required to apply for an ignition interlock license according to greatest need and when funds are available in the ignition interlock device revolving account. RCW 46.20.745 requires the department to work with the Washington state patrol and the Washington traffic safety commission to establish an ignition interlock device compliance pilot program. Rules will be necessary to implement ignition interlock licensing and to establish the compliance pilot program. It will also be necessary to make conforming amendments to rules regarding occupational/temporary restricted driver's license eligibility criteria and denial hearings.

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

Process for Developing New Rule: Agency study; and the department will be working with the Washington traffic safety commission, the administrative office of the courts, the Washington state patrol, the Washington Association of Sheriffs and Police Chiefs, ignition interlock companies, and other interested organizations and entities in the development of the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

August 28, 2008  
Clark J. Holloway  
Legislative Liaison

**WSR 08-18-068****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 2, 2008, 1:45 p.m.]

Subject of Possible Rule Making: WAC 308-104-018, changing a driver's license or identicaid holder's address of record.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is seeking to narrow the documents and sources used to change a person's address of record in the agency's records of driver's license and identicaid holders.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please forward comments or inquiries to Clark Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

August 26, 2008  
Clark J. Holloway  
Legislative Liaison

**WSR 08-18-071****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed September 2, 2008, 3:05 p.m.]

Subject of Possible Rule Making: Amend chapter 16-442 WAC, Winter pears, by making amendments that are necessary to update the chapter and increase its clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and pack, specifically RCW 15.17.030 Enforcement—Director's duties—Rules; and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules relevant to pears need to be updated to clear and readable language.

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

Process for Developing New Rule: Washington state department of agriculture staff members will develop the rule proposal. Industry representatives may review and comment on the proposed rule amendments and interested parties can participate in the public hearing and comment process, the dates of which will be announced when the agency files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail [jquigley@agr.wa.gov](mailto:jquigley@agr.wa.gov).

September 2, 2008  
Dennis Hannapel  
Assistant Director  
Commodity Inspection Division

#### WSR 08-18-072

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed September 2, 2008, 3:11 p.m.]

Subject of Possible Rule Making: Amend chapter 16-439 WAC, Pears, summer and fall, by making amendments that are necessary to update the chapter and increase its clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and pack, specifically RCW 15.17.030 Enforcement—Director's duties—Rules; and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules relevant to pears need to be updated to clear and readable language.

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

Process for Developing New Rule: Washington state department of agriculture staff members will develop the rule proposal. Industry representatives may review and comment on the proposed rule amendments and interested parties can participate in the public hearing and comment process, the dates of which will be announced when the agency files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail [jquigley@agr.wa.gov](mailto:jquigley@agr.wa.gov).

September 2, 2008

Dennis Hannapel

Assistant Director

Commodity Inspection Division

#### WSR 08-18-075

##### PREPROPOSAL STATEMENT OF INQUIRY HOUSING FINANCE COMMISSION

[Filed September 2, 2008, 3:38 p.m.]

Subject of Possible Rule Making: Amendment to existing rules governing the allocation of low-income housing tax credits to conform to changes to Section 42 of the Internal Revenue Code of 1986, as amended.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.180 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules establish the criteria for the commission's allocation of low-income housing tax credits. The commission must adopt amendments to the existing rules to reflect changes in Section 42 of the Internal Revenue Code of 1986, as amended, which authorizes tax credits for the construction, acquisition or rehabilitation of residential rental projects meeting the requirements of the code.

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

Process for Developing New Rule: The commission will request written comments from persons who may be interested in the rules concerning its tax credit program. Comments received will be considered by the commission before the final rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments must be received by December 17, 2008. These comments will be considered by the commission at its December 18, 2008, meeting. Thereafter, the commission will proceed with rule making. Contact Mr. Steve Walker, Director, Tax Credit Division, Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 287-4467, fax (206) 587-5113.

September 3 [2], 2008

Steve Walker, Director

Tax Credit Division

**WSR 08-18-077**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed September 3, 2008, 6:08 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-515-1512 What are the financial requirements if I am eligible for medicaid under the noninstitutional categorically needy program (CN-P)? and 388-515-1514 How does the department determine how much of my income I must pay towards the cost of my care if I am not eligible for Medicaid under a categorically needy program (CN-P) listed in WAC 388-515-1512(1)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.575, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-515-1512 and 388-515-1514 to incorporate the \$20 disregard and increase the personal needs allowance (PNA) from \$41.44 to \$62.79 to match home and community services categorically needy (CN) waiver programs.

Other policy changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov [rollej@dshs.wa.gov].

September 2, 2008  
Stephanie E. Schiller  
Rules Coordinator

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.14 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the request of the affected industry, the department is proposing to revise the current seed garlic certification rule by adding an exception to the five hundred feet buffer required between certified garlic and noncertified allium. The seed garlic certification program is completely voluntary.

This rule change is proposed in order to respond to recent industry developments. In the past, noncertified alliums (garlic and onion crops) were grown exclusively through vegetative propagation (e.g. onion sets). Onion white rot disease, a primary target pest of the garlic certification program, is spread primarily through vegetative propagation. In order to prevent spread of the disease to certified seed garlic, the current rule requires a buffer of five hundred feet around certified garlic plantings. However, noncertified allium crops are now being grown from true seed, which would not be likely to transmit the disease or to endanger nearby certified seed garlic plantings. This revision would allow the department to grant a waiver in the case of true seed grown onions.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

September 2, 2008  
Mary A. Martin Toohey  
Assistant Director

**WSR 08-18-078**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed September 3, 2008, 8:08 a.m.]

Subject of Possible Rule Making: Chapter 16-334 WAC, rules relating to the production of garlic seed certification. The department is proposing to revise the current seed garlic certification rule by adding an exception to the five hundred feet buffer required between certified garlic and noncertified allium. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

**WSR 08-18-090**

**PREPROPOSAL STATEMENT OF INQUIRY  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed September 3, 2008, 11:38 a.m.]

Subject of Possible Rule Making: Chapter 463-10 WAC, add new definition. Chapter 463-43 WAC, update to reflect statute changes. Chapter 463-58 WAC, update to include the energy facility site evaluation council (EFSEC) monetary charges for electrical transmission facilities, clarify responsibility for financial services, and a citation correction.

Chapter 463-60 WAC, add requirement to include information regarding carbon dioxide, greenhouse gas, and electrical transmission facilities in applications for site certification. Chapter 463-62 WAC, citation correction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Although EFSEC has adopted rules on carbon dioxide (chapter 463-80 WAC), greenhouse gases (chapter 463-85 WAC), and will be adopting new rules for electrical transmission facilities (proposed chapter 463-61 WAC), it has not integrated or updated some of its other rules relating to these subjects regarding definitions, EFSEC review costs, and information to be supplied in applications for site certification. EFSEC's rule on expedited processing of applications for site certification rules have not been changed to reflect the 2006 changes to RCW 80.50.075 and changes to the criteria for granting requests for this process. Some WAC citations need to be corrected.

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

Process for Developing New Rule: The proposed rule changes and corrections will be drafted by EFSEC and its staff. Discussions will be held at EFSEC monthly meetings, notices will be sent to those who have requested notification of rule-making activities and the public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed rule changes will be posted on the agency web site and provided to interested parties upon request.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Fiksdal, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, fax (360) 956-2158, [allenf@cted.wa.gov](mailto:allenf@cted.wa.gov); or accessing the EFSEC web site <http://efsec.wa.gov/>.

September 3, 2008  
Allen J. Fiksdal  
Manager