

WSR 11-08-039
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 4, 2011, 2:18 p.m.]

Title of Rule and Other Identifying Information: Repealing chapter 392-200 WAC, School personnel—Employment discrimination. The substantive portions of chapter 392-200 WAC, School personnel—Employment discrimination, have been incorporated into chapter 392-190 WAC without material change. This rule making would repeal chapter 392-190 WAC to eliminate duplication.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Yvonne Ryans, Office of Superintendent of Public Instruction (OSPI), P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY June 6, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In developing rules to implement chapter 28A.642 RCW, OSPI has incorporated the substantive portions of chapter 392-200 WAC regarding employment discrimination and affirmative action into chapter 392-190 WAC. The inclusion of employment discrimination and affirmative action provisions into chapter 392-190 WAC has been vetted through the public hearing and public input process. Because these provisions are now located in chapter 392-190 WAC, OSPI is repealing chapter 392-200 WAC to eliminate the duplication of these rules. Repealing these rules does not materially change the responsibilities of OSPI or school districts.

Reasons Supporting Proposal:

- To include all rules implementing chapters 28A.640 and 28A.642 RCW regarding discrimination in public schools in one chapter of the WAC.
- Because the adoption of substantively identical amendments in chapter 392-190 WAC governs the same activity as WAC 392-200-003 through 392-200-020, those rules are no longer necessary and have been made redundant. They therefore meet the criteria for repeal set forth in RCW 34.05.353(2).

Statutory Authority for Adoption: RCW 28A.640.020 and 28A.642.020.

Statute Being Implemented: Chapters 28A.640 and 28A.642 RCW.

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

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yvonne Ryans, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6162.

April 4, 2011

Randy Dorn

Superintendent of
Public Instruction

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-200-003	Authority.
WAC 392-200-005	Purpose.
WAC 392-200-010	Public school employment and contract practices—Sex discrimination.
WAC 392-200-015	Public school employment—Affirmative action program.
WAC 392-200-020	Public school employment—Affirmative action program—General.

WSR 11-08-044
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF REVENUE

(By the Code Reviser's Office)

[Filed April 5, 2011, 8:47 a.m.]

WAC 458-20-217, proposed by the department of revenue in WSR 10-19-017 appearing in issue 10-19 of the State Register, which was distributed on October 6, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 11-08-045
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF REVENUE

(By the Code Reviser's Office)

[Filed April 5, 2011, 8:48 a.m.]

WAC 458-57-105 and 458-57-115, proposed by the department of revenue in WSR 10-19-042 appearing in issue 10-19 of the State Register, which was distributed on October 6, 2010, is withdrawn by the code reviser's office under RCW

34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 11-08-048
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF REVENUE

(By the Code Reviser's Office)

[Filed April 5, 2011, 8:51 a.m.]

WAC 458-20-101, proposed by the department of revenue in WSR 10-19-109 appearing in issue 10-19 of the State Register, which was distributed on October 6, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 11-08-050
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF REVENUE

(By the Code Reviser's Office)

[Filed April 5, 2011, 8:54 a.m.]

WAC 458-18-080 and 458-18A-080, proposed by the department of revenue in WSR 10-19-142 appearing in issue 10-19 of the State Register, which was distributed on October 6, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 11-08-052
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF REVENUE

(By the Code Reviser's Office)

[Filed April 5, 2011, 8:56 a.m.]

WAC 458-16A-140, proposed by the department of revenue in WSR 10-19-148 appearing in issue 10-19 of the State Register, which was distributed on October 6, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 11-08-074
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed April 6, 2011, 10:24 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-270 Telephone program excise tax rates, this rule provides the rates for the taxes imposed on switched access lines pursuant to RCW 43.20A.725 and 80.36.430.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gayle Carlson, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov, AND RECEIVED BY June 6, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend WAC 458-20-270 to provide the tax rates imposed on switched access lines for the July 1, 2011 - June 30, 2012, fiscal year. The rate for telecommunications relay services (TRS) will remain at nineteen cents. The rate for the Washington telephone assistance program (WTAP) will remain at fourteen cents.

Reasons Supporting Proposal: Under RCW 43.20A.725 and 80.36.430, the department is required to annually determine the tax rates imposed on switched access lines to fund the telephone relay service program and the Washington telephone assistance program. Each tax rate is determined by dividing the respective program budgets by the number of switched access lines reported to the department in the prior calendar year. The department retains no discretion in the determination of these tax rates, the amount of which is explicitly dictated by the statutory formulas and inputs provided to the department.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 43.20A.725 and 80.36.430.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gayle Carlson, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1576; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1599; and Enforcement: Gilbert Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1595.

April 6, 2011

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-14-032, filed 6/28/10, effective 7/29/10)

WAC 458-20-270 Telephone program excise tax rates. RCW 82.72.020 requires the department of revenue (department) to collect certain telephone program excise taxes. Those taxes include the tax on switched access lines imposed by RCW 43.20A.725 (telephone relay service—TRS) and 80.36.430 (Washington telephone assistance program—WTAP). Pursuant to those statutes, the department must annually determine the rate of each respective tax according to the statutory formulas.

The monthly telephone program excise tax rates per switched access line are as follows:

Period	TRS Rate	WTAP Rate
((7/1/2006—6/30/2007	9 cents	14 cents))
7/1/2007 - 6/30/2008	12 cents	14 cents
7/1/2008 - 6/30/2009	12 cents	13 cents
7/1/2009 - 6/30/2010	11 cents	13 cents
7/1/2010 - 6/30/2011	19 cents	14 cents
<u>7/1/2011 - 6/30/2012</u>	<u>19 cents</u>	<u>14 cents</u>

WSR 11-08-075
EXPEDITED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed April 6, 2011, 10:42 a.m.]

Title of Rule and Other Identifying Information: This rule making would amend language in WAC 463-78-005 to adopt a mandatory greenhouse gas reporting rule for persons operating a single facility, source, or site that emits at least 10,000 metric tons of greenhouse gases annually in the state.

The energy facility site evaluation council (EFSEC) proposes to adopt, by reference, the department of ecology's chapter 173-441 WAC, Reporting of emissions of greenhouse gases, into existing EFSEC rule, chapter 463-78 WAC, General and operating permit regulations for air pollution sources, as WAC 463-78-005(5) Adoption by reference.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Al Wright, EFSEC Manager, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172, e-mail efsec@utc.wa.gov, fax (360) 586-1130, AND RECEIVED BY June 6, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal

would adopt, as directed in chapter 70.94 RCW, a mandatory greenhouse gas reporting rule. The proposal would be adopted by reference into existing EFSEC rule, chapter 463-78 WAC, General and operating permit regulations for air pollution sources, as WAC 463-78-005(5).

Reasons Supporting Proposal: E2SHB 2815 was passed by the 2008 legislature and amended by SSB 6373 in 2010 as part of the governor's climate change framework and is primarily codified in chapters 70.94 and 70.235 RCW. One element of chapters 70.235 and 70.94 RCW is a requirement for persons operating large stationary sources of greenhouse gases (GHGs) to begin reporting emissions. The statute directs the Washington department of ecology and EFSEC to adopt consistent rules to implement a reporting system for those entities required to report.

Statutory Authority for Adoption: Chapters 70.94 and 70.235 RCW.

Statute Being Implemented: Chapters 70.94 and 70.235 RCW.

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

Name of Proponent: EFSEC, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim La Spina, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-3172, (360) 664-1362.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Chapters 70.94 and 70.235 RCW direct ecology to adopt rules that establish a mandatory GHG reporting program that is consistent with EPA's mandatory GHG reporting program. The statutes also direct EFSEC to adopt GHG reporting rules that are consistent with rules adopted by ecology. To maintain consistency and reduce costs for reporters, EFSEC proposes to adopt chapter 173-441 WAC as the regulation applies to energy facilities with site certification agreements.

April 6, 2011
 Al Wright
 Manager

AMENDATORY SECTION (Amending WSR 09-01-046, filed 12/10/08, effective 1/10/09)

WAC 463-78-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following provisions of chapter 173-400 WAC, in effect on November 1, 2008, by reference. WAC 173-400-110(8) and 173-400-730(4) are not adopted by reference.

- WAC 173-400-030: Definitions.
- WAC 173-400-035: Portable and temporary sources.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.
- WAC 173-400-060: Emission standards for general process units.

- WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.
- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-091: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-117: Special protection requirements for federal Class I areas.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-175: Public information.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.
- WAC 173-400-700: Review of major stationary sources of air pollution.
- WAC 173-400-710: Definitions.
- WAC 173-400-720: Prevention of significant deterioration (PSD).
- WAC 173-400-730: Prevention of significant deterioration application processing procedures.
- WAC 173-400-740: PSD permitting public involvement requirements.
- WAC 173-400-750: Revisions to PSD permits.
- WAC 173-401-300: Applicability.
- WAC 173-401-500: Permit applications.
- WAC 173-401-510: Permit application form.
- WAC 173-401-520: Certification.
- WAC 173-401-530: Insignificant emission units.
- WAC 173-401-531: Thresholds for hazardous air pollutants.
- WAC 173-401-532: Categorically exempt insignificant emission units.
- WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.
- WAC 173-401-600: Permit content.
- WAC 173-401-605: Emission standards and limitations.
- WAC 173-401-610: Permit duration.
- WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
- WAC 173-401-620: Standard terms and conditions. Except (2)(i).
- WAC 173-401-625: Federally enforceable requirements.
- WAC 173-401-630: Compliance requirements.
- WAC 173-401-635: Temporary sources.
- WAC 173-401-640: Permit shield.
- WAC 173-401-645: Emergency provision.
- WAC 173-401-650: Operational flexibility.
- WAC 173-401-700: Action on application.
- WAC 173-401-705: Requirement for a permit.
- WAC 173-401-710: Permit renewal, revocation and expiration.
- WAC 173-401-720: Administrative permit amendments.
- WAC 173-401-722: Changes not requiring permit revisions.
- WAC 173-401-725: Permit modifications.
- WAC 173-401-730: Reopening for cause.
- WAC 173-401-750: General permits.
- WAC 173-401-800: Public involvement.
- WAC 173-401-810: EPA Review.
- WAC 173-401-820: Review by affected states.

(2) The energy facility site evaluation council adopts the following provisions of chapter 173-401 WAC, in effect on March 1, 2005, by reference.

- WAC 173-401-100: Program overview.
- WAC 173-401-200: Definitions.

(3) The energy facility site evaluation council adopts the following provisions of chapter 173-406 WAC, in effect on March 1, 2005, by reference.

Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
- WAC 173-406-101: Definitions.

Part I - GENERAL PROVISIONS

- WAC 173-406-102: Measurements, abbreviations, and acronyms.
- WAC 173-406-103: Applicability.
- WAC 173-406-104: New units exemption.
- WAC 173-406-105: Retired units exemption.
- WAC 173-406-106: Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
- WAC 173-406-201: Submissions.
- WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
- WAC 173-406-301: Requirement to apply.
- WAC 173-406-302: Information requirements for acid rain permit applications.
- WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
- WAC 173-406-401: General.
- WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
- WAC 173-406-501: Contents.
- WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
- WAC 173-406-601: General.
- WAC 173-406-602: Completeness.
- WAC 173-406-603: Statement of basis.
- WAC 173-406-604: Issuance of acid rain permits.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
- WAC 173-406-701: General.
- WAC 173-406-702: Permit modifications.
- WAC 173-406-703: Fast-track modifications.
- WAC 173-406-704: Administrative permit amendment.
- WAC 173-406-705: Automatic permit amendment.
- WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-801: Annual compliance certification report.
- WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following provisions of chapter 173-460 WAC, in effect on March 1, 2005, by reference.

- WAC 173-460-010: Purpose.
- WAC 173-460-020: Definitions.
- WAC 173-460-030: Requirements, applicability and exemptions.
- WAC 173-460-040: New source review.
- WAC 173-460-050: Requirement to quantify emissions.
- WAC 173-460-060: Control technology requirements.
- WAC 173-460-070: Ambient impact requirement.
- WAC 173-460-080: Demonstrating ambient impact compliance.
- WAC 173-460-090: Second tier analysis.
- WAC 173-460-100: Request for risk management decision.
- WAC 173-460-110: Acceptable source impact levels.
- WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.
- WAC 173-460-130: Fees.
- WAC 173-460-140: Remedies.
- WAC 173-460-150: Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.
- WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

(5) The energy facility site evaluation council adopts the following provisions of chapter 173-441 WAC, in effect on January 1, 2011, by reference.

- WAC 173-441-010: Scope.
- WAC 173-441-020: Definitions.
- WAC 173-441-030: Applicability.
- WAC 173-441-040: Greenhouse gases.
- WAC 173-441-050: General monitoring, reporting, recordkeeping and verification requirements.

- WAC 173-441-060: Authorization and responsibilities of the designated representative.
- WAC 173-441-070: Report submittal.
- WAC 173-441-080: Standardized methods and conversion factors incorporated by reference.
- WAC 173-441-090: Compliance and enforcement.
- WAC 173-441-100: Addresses.
- WAC 173-441-110: Fees.
- WAC 173-441-120: Calculation methods incorporated by reference from 40 C.F.R. Part 98 for facilities.
- WAC 173-441-140: Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions.
- WAC 173-441-150: Confidentiality.
- WAC 173-441-160: Ecology to share information with local air authorities and with the energy facility site evaluation council.
- WAC 173-441-170: Severability.