

**WSR 19-02-006**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)  
 [Filed December 20, 2018, 10:24 a.m.]

The department of health, dental quality assurance commission (commission), is withdrawing the CR-101 for WAC 246-817-601, 246-817-610, 246-817-620 and 246-817-630, dental infection control. The CR-101 was filed on September 9, 2016, and published as WSR 16-19-021.

The commission filed a CR-101 to consider amending rules to update dental infection control practice standards. The initial scope of the CR-101 was too narrow to pursue new sections related to additional dental infection control practice standards not listed in current rules.

Individuals requiring information on this rule should contact Jennifer Santiago, dental quality assurance commission program manager, at 360-236-4893.

Tami M. Thompson  
 Regulatory Affairs Manager

**WSR 19-02-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
 [Order 18-09—Filed December 20, 2018, 3:48 p.m.]

Subject of Possible Rule Making: **Rule chapter(s), parts or section(s) and short description:** Chapter 173-340 WAC, Model Toxics Control Act (MTCA), cleanup (the cleanup rule). The cleanup rule regulates the management and remediation of sites contaminated by hazardous substances.

Parts 1 through 6 and 8 of the rule describe administrative and procedural aspects of site cleanups;

Parts 7 and 9 establish technical cleanup standards.

**What are we doing to/in the rule?** The department of ecology (ecology) plans to amend the administrative and procedural requirements for site cleanups under chapter 173-340 WAC, MTCA cleanup regulation (the cleanup rule). In this rule making ecology will not change the technical standards for site cleanups in Parts 7 and 9 of the rule, but does plan to:

- a. Update the title of this chapter.
- b. Modify the initial investigation, site hazard assessment and ranking, and public notice process in Parts 1 and 3 of the rule.
- c. Update other administrative and procedural requirements of the cleanup program in Parts 1-6 and 8 of the rule.
- d. Make changes in Parts 1-6 and 8 to streamline rule requirements, as well as minor corrections to improve rule clarity and consistency with other laws and rules.
- e. Make changes in Parts 7 and 9 to clarify language and make corrections without changing the effect of the rule.
- f. Incorporate changes to the cleanup program specified in chapter 70.105D RCW, Hazardous waste cleanup—MTCA, and chapter 64.70 RCW, Uniform Environmental Covenants Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Hazardous waste cleanup—MTCA (chapter 70.105D RCW).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is conducting this rule making to:

1. Improve the initial investigation, site hazard assessment, ranking, and public notice processes to update the site hazard ranking system; to streamline the initial assessment and listing of new sites; and to allow reranking of listed sites based on significant new information or changes in site conditions.

2. Update the other administrative and procedural requirements of the cleanup program based on agency review of the codified rule and on comments received during the cleanup rule update exploratory rule-making process (see our web site at <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking>).

3. Implement changes to the cleanup program specified in chapter 70.105D RCW, Hazardous waste cleanup—MTCA, and chapter 64.70 RCW, Uniform Environmental Covenants Act.

4. Make the rule easier to use and understand by the regulated community.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: **Tribal nations:** Many tribal nations have lands or usual and accustomed fishing areas on or adjacent to cleanup sites, and will be consulted during the rule-making process.

**United States Environmental Protection Agency:** This agency is responsible for overseeing cleanup actions conducted under the federal superfund program and for source control activities under the federal Clean Water Act.

**Agency for Toxic Substances and Disease Registry and Washington state department of health:** These agencies are responsible for evaluating human health hazards, and both will be consulted during this rule-making process.

**Washington state's pollution liability insurance agency.**

**Washington state department of ecology's programs that have MTCA regulatory oversight:**

- Toxics cleanup program.
- Hazardous waste and toxics reduction program.
- Solid waste management program.
- Nuclear waste program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clint Stanovsky, Department of Ecology, Toxics Cleanup Program, P.O. Box 47600, 300 Desmond Drive S.E., Lacey, WA 98504-7600, phone 360-407-7193, people with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington relay service at 711, email [MTCARule@ecy.wa.gov](mailto:MTCARule@ecy.wa.gov), web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-340>. Join our email

list to receive updates on this rule making <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=MTCA-SMS-RULE-UPDATE&A=1>.

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

December 20, 2018

Jim Pendowski  
Toxics Cleanup  
Program Manager

### WSR 19-02-021

#### PREPROPOSAL STATEMENT OF INQUIRY

#### HEALTH CARE AUTHORITY

[Filed December 21, 2018, 10:11 a.m.]

Subject of Possible Rule Making: WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories, 182-501-0065 Health care coverage—Description of service categories, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, E2SSB 5179, 65th legislature, 2018 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-501-0060 and 182-501-0065 to reflect new coverage for hearing hardware for clients age twenty-one and older effective January 1, 2019, and to add health home coverage. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

December 21, 2018

Wendy Barcus  
Rules Coordinator

### WSR 19-02-052

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### RETIREMENT SYSTEMS

[Filed December 27, 2018, 11:29 a.m.]

Subject of Possible Rule Making: Public safety employees' retirement system (PSERS) membership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the definitions of a PSERS employer and member, to include changes implemented by chapter 241, Laws of 2018.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), web site [www.drs.wa.gov/rules/](http://www.drs.wa.gov/rules/).

December 27, 2018

Jilene Siegel  
Rules Coordinator

### WSR 19-02-053

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed December 27, 2018, 11:55 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-101D-0025, 388-101D-0120, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6032 (2018) directs the department to replace hourly payment methodology with a tiered rate methodology for residential services providers. The Centers for Medicare and Medicaid Services (CMS) approved the developmental disabilities administration's (DDA) waiver amendments, which require implementation of the tiered rate system on January 1, 2019. Amending these rules is necessary to implement the tiered rates system and meet deadlines under ESSB 6032 and the approved waiver amendments.

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

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

will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

December 27, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-02-078**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed December 31, 2018, 10:56 a.m.]

The Washington horse racing commission would like to withdraw preproposal statement of inquiry (CR-101), WSR 18-11-081, filed on May 17, 2018.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore  
Executive Secretary

**WSR 19-02-079**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed December 31, 2018, 10:56 a.m.]

The Washington horse racing commission would like to withdraw preproposal statement of inquiry (CR-101), WSR 18-11-080, filed on May 17, 2018.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore  
Executive Secretary

**WSR 19-02-085**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 18-10—Filed January 2, 2019, 9:22 a.m.]

Subject of Possible Rule Making: Ecology is proposing to amend the oil spill contingency plan rule (chapter 173-182 WAC) to implement E2SSB 6269 passed in 2018. This rule making will:

- Establish requirements for review and approval of spill management teams 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.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.56.005, 90.56.050, 88.46.060, 88.46.120, 88.46.068, 88.46.0601, and 90.56.2101.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 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 the contingency plan rule to enhance preparedness for spills of nonfloating oils, require facilities to participate in large scale multiplan holder drills, and require spill management teams to apply to and be approved by ecology in order to be cited in contingency plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will share information and coordinate rule-making activities with the following agencies: United States Coast Guard, Environmental Protection Agency, Pipeline and Hazardous Materials Safety Administration, National Oceanic and Atmospheric Association, Washington utilities and transportation commission, Washington department of fish and wildlife, United States Fish and Wildlife, Oregon Department of Environmental Quality, and California Office of Spill Prevention and Response.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Larson, Department of Ecology, Spills Prevention, Preparedness and Response Program, P.O. Box 47600, Olympia, WA 98504, 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, email sonja.larson@ecy.wa.gov, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rule-making/Rulemaking/WAC-173-182>. For updates about this rule making join our listserv SPILLS-PROGRAM@LISTSERV.WA.GOV.

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

January 2, 2019  
Dale Jensen, Program Manager  
Spills Prevention,  
Preparedness and Response