Title 173 WAC
ECOLOGY, DEPARTMENT OF

Reviser's note: See also Department of Ecology rules and regulations filed subsequent to January 1, 1971 within Title 18, Air Pollution (Title 18 rules filed after January 1, 1971 are so codified); Title 372, Water Pollution Control Board; Title 508, Department of Water Resources.

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Chapter 173–108
WITHDRAWAL OF THE WATERS OF THE LITTLE SPOKANE RIVER WATERSHED FROM ADDITIONAL APPROPRIATIONS

173–108–010 Authority. [Order 73–19, § 173–108–010, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76. Later promulgation, see chapters 173–500 and 173–555 WAC.
173–108–020 Purpose. [Order 73–19, § 173–108–020, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76. Later promulgation, see chapters 173–500 and 173–555 WAC.
173–108–030 Definitions. [Order 73–19, § 173–108–030, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76. Later promulgation, see chapters 173–500 and 173–555 WAC.
173–108–040 Declaration of withdrawal. [Order 73–19, § 173–108–040, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76.
173–108–050 Existing rights not affected. [Order 73–19, § 173–108–050, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76.
173–108–060 Existing rights not affected—Exemptions. [Order 73–19, § 173–108–060, filed 9/21/73.] Repealed by Order DE 75–24, filed 1/6/76.

Chapter 173–02 WAC
METHODS OF OPERATION AND ORGANIZATION

WAC

173–02–010 Purpose.
173–02–020 General responsibilities.
173–02–030 Organization.
173–02–040 Functions.
173–02–050 Ecological commission.
173–02–060 Public information.
173–02–070 Submission and requests.

WAC 173–02–010 Purpose. In accordance with RCW 34.04.020(2), these regulations are for the purpose of assisting interested persons in dealing with the department of ecology by describing its organization, stating the general course and methods of its operations and the methods whereby the public may obtain information and make submissions or requests.

By these regulations, the director of the department of ecology carries out the authority given him by RCW 43.21A.100 to create such administrative divisions within the department as he deems necessary in order to obtain maximum efficiency and effectiveness within the department. [Order 71–9, § 173–02–010, filed 8/4/71.]

WAC 173–02–020 General responsibilities. The department of ecology, by virtue of RCW 43.21A.020, has authority to manage and develop the air and water resources of the state and carry out a coordinated program of pollution control involving these and related land resources. To this end, the department is responsible for undertaking, in an integrated manner, the various water regulation, management, planning and development programs formerly authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program formerly performed by the state air pollution control board and the department of health, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW and such other environmental programs as may be authorized by the legislature. [Order 71–9, § 173–02–020, filed 8/4/71.]

WAC 173–02–030 Organization. The department of ecology is organized as follows: (1) The executive and administrative head of the department is the director. He is directly assisted by a deputy director.

(2) The department is divided into two branches: the public services branch and the administration and planning branch. The chief officers of each of these branches bear the title, executive assistant director.

(3) Public services branch. The public services branch consists of two offices within each of which are various divisions. These offices are the office of technical services and the office of operations. The chief officers of each of these offices bear the title, assistant director.

(4) Administration and planning branch. The administration and planning branch consists of two offices within each of which are various divisions. These offices are the office of administration and the office of planning and program development. The chief official of each of these offices bears the title, assistant director. [Order 71–9, § 173–02–030, filed 8/4/71.]

WAC 173–02–040 Functions. Program functions, within the responsibility of the department of ecology, are assigned to the offices listed in the preceding section as follows: (1) Office of technical services. This office shall perform environmental monitoring, laboratory services, technical assistance and comprehensive investigations and studies. Among the duties of this office are the coordination of activities of local or regional air pollution control boards or authorities, the conduct of weather modification programs and resource damage investigations.

(2) Office of operations. This office shall perform all ongoing operational programs of the department including regulatory, financing and enforcement responsibilities concerning water resources, water pollution, oil

spills, air quality, shorelines management, solid waste and litter. Among the duties of this office are review of plans and specifications; functions relating to grants, fees, loans, bonds, and tax credits and exemptions; management of special pollution sources; processing of water rights permits and certificates; water well construction licensing; water rights registration; water rights adjudications; processing of flood control zone permits; processing of water quality certifications; navigation permit review; processing of waste discharge permits; approval of plats; air quality control activities; state activities regarding shorelines permits, solid waste permits and litter act enforcement; preparation of directives, orders, penalty notices, and resource damages claims.

Assisting the central office in carrying out operational programs are three regional offices ——a southwest regional office located at Olympia, a northwest regional office located at Redmond and an eastern regional office located at Spokane.

(3) Office of administration. This office shall provide fiscal and administrative support to personnel and all operating elements of the department including allotment and expenditure of available resources; records control, cataloguing and retrieval; data processing; technical reference and library services; public information services; legal assistance; cartographic and graphics support.

(4) Office of program planning and development. This office shall perform comprehensive environmental planning, standards and criteria development, new program development, program review, and operational planning. Included in the duties of this office are environmental impact review of major projects including highway construction, nuclear power plant site evaluation, shorelines management master program development, solid waste management planning, water resource planning, budget planning and fiscal surveillance. [Order 71-9, § 173-02-040, filed 8/4/71.]

WAC 173-02-050 Ecological commission. The ecological commission, established by RCW 43.21A.170, and composed of seven members from outside of government, exists to provide advice and guidance to the director of the department of ecology on major matters of departmental policy and procedure as set forth in RCW 43.21A.190. The relationship of the ecological commission to the department of ecology is more fully set forth in chapter 173-12 WAC. [Order 71-9, § 173-02-050, filed 8/4/71.]

WAC 173-02-060 Public information. Any interested person may obtain detailed information about the department of ecology or any specific program or function carried out by such department by writing to the public affairs section, department of ecology, P.O. Box 829, Olympia, Washington 98504. [Order 71-9, § 173-02-060, filed 8/4/71.]

WAC 173-02-070 Submissions and requests. Applications and other submissions and requests may be submitted either to the Department of Ecology, Abbot Raphael Hall, St. Martin's College, P.O. Box 829, Olympia, Washington 98504, or to any regional office to whose area of geographical responsibility the application, submission or request refers:

Southwest regional office, Department of Ecology, 7272 Cleanwater Lane, Olympia, Washington 98504

Northwest regional office, Department of Ecology, 15345 N.E. 36th, Redmond, Washington 98052.

Eastern regional office, Department of Ecology, 321 Hutton Building, Spokane, Washington 99204. [Order 71-9, § 173-02-070, filed 8/4/71.]

Chapter 173-04 WAC
PRACTICE AND PROCEDURE

WAC

173-04-010 Hearings boards.
173-04-020 Uniform procedural rules.

WAC 173-04-010 Hearings boards. Appeals from decisions and orders of the department of ecology are under the jurisdiction of the pollution control hearings board. Practice and procedure before the pollution control hearings board is governed by the provisions of chapter 371-08 WAC. Declaratory proceedings under the Shoreline Management Act of 1971 (section 18(4), chapter 286, Laws of 1971 ex. sess.) are under the jurisdiction of the shorelines hearings board. [Order DE 71-14, § 173-04-010, filed 9/3/71.]

WAC 173-04-020 Uniform procedural rules. In those contested cases, declaratory proceedings, and requests for rule making in which the department of ecology has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended. [Order DE 71-14, § 173-04-020, filed 9/3/71.]

Chapter 173-06 WAC
DELEGATION OF POWERS

WAC

173-06-010 Introduction.
173-06-020 Definitions.
173-06-030 Delegation.
173-06-040 Director's powers.
173-06-050 Regulations.
173-06-060 NPDES Delegation.

WAC 173-06-010 Introduction. By the terms of RCW 43.21A.060, the department of ecology is provided with authority to perform powers, duties and functions, formerly assigned to other entities, in the areas of water and air pollution control, water resources management and solid waste disposal. In addition, since the creation of the department of ecology, the legislature has assigned to such department certain new powers, duties and function.

Among the purposes of assigning these various responsibilities to a single state agency is, as shown by RCW 43.21A.020, the objective of "orderly, efficient

and effective" administration of programs relating to the environment. In order to meet this objective, certain delegations of authority are necessary, as contemplated and authorized by RCW 43.21A.090. [Order DE 71-13, § 173-06-010, filed 9/8/71.]

WAC 173-06-020 Definitions. As used in this chapter:

(1) "Department" shall mean department of ecology;

(2) "Director", "deputy director", "executive assistant director", and "assistant director" refer to persons bearing such titles within the department of ecology in accordance with the description of organization set forth in chapter 173-02 WAC. [Order DE 71-13, § 173-06-020, filed 9/8/71.]

WAC 173-06-030 Delegation. The authority delegated hereby includes the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The authority delegated is limited to the power to act for the department in carrying out functions within the power of the department. No delegation made shall be effective or within the authority of any particular person to exercise unless that person has been issued a specific letter of authorization from the director authorizing him to act for the department in the specifics set forth in such letter. Subject to the foregoing restriction, the following delegations are made:

(1) To the deputy director, executive assistant director and assistant directors, the authority to:

(a) Issue orders relating to emergency episodes;

(b) Issue regulatory notices and orders and resource damage claims;

(c) Impose civil penalties;

(d) Perform departmental functions relating to grants, gifts, loans, bonds, fees and special funds;

(e) Enter into contracts and appoint personnel;

(f) Initiate requests for review before Shorelines Hearings Board;

(g) Issue determinations relating to tax credits or exemptions for pollution control facilities;

(h) Perform the responsibilities in (2) below.

(2) To the regional managers and division heads the authority to perform departmental functions relating to:

(a) Licenses, permits, variances, certificates, certifications and adjudications of rights;

(b) Approval, modification or denial of proposals, and plans and specifications required to be submitted to the department;

(c) Reports, environmental impact statements, and registrations required to be submitted to the department. [Order DE 75-7, § 173-06-030, filed 5/16/75; Order DE 71-13, § 173-06-030, filed 9/8/71.]

WAC 173-06-040 Director's powers. The director may perform all powers, duties and functions within the authority of the department. The delegations set forth in this chapter shall not preclude the director from exercising any of the powers, duties and functions delegated. In the director's absence, the deputy director may act as director. [Order DE 71-13, § 173-06-040, filed 9/8/71.]

WAC 173-06-050 Regulations. Nothing in this chapter shall be construed as a delegation of authority to adopt, amend or repeal any rule or regulation. The power to adopt, amend or repeal rules or regulations rests with the director, or in his absence, the deputy director. [Order DE 71-13, § 173-06-050, filed 9/8/71.]

WAC 173-06-060 NPDES delegation. Except as hereinafter provided in this section, the sole and complete responsibility for the administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to Bruce A. Cameron, an assistant director. During any period when Bruce A. Cameron, due to illness, vacation or otherwise, is not available to make decisions necessary to the effective and efficient administration of the program, Donald Provost, an assistant director, is delegated backup authority to administer the National Pollutant Discharge Elimination System permit program. This delegation shall be effective until July 1, 1979, unless otherwise modified by further adoption of rules by the director. [Order DE 77-12, § 173-06-060, filed 8/2/77.]

Chapter 173-08 WAC
ENVIRONMENTAL COORDINATION PROCEDURES ACT OF 1973——MASTER APPLICATION PROCEDURES

WAC

173-08-010 Authority.
173-08-020 Purpose.
173-08-030 Definitions.
173-08-040 Master application form.
173-08-050 Scope of master application procedure.
173-08-065 Modification of the proposed project.
173-08-070 Appeals to final decisions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-08-060 Certification. [Order 74-6, § 173-08-060, filed 5/1/74.] Repealed by Order DE 77-23, filed 12/1/77.

WAC 173-08-010 Authority. This regulation is adopted pursuant to chapter 185, Laws of 1973 1st ex. sess., the Environmental Coordination Procedures Act (ECPA) of 1973; amending section 1, RCW 90.62.010; section 2, RCW 90.62.020; section 4, RCW 90.62.040; section 5, RCW 90.62.050; section 6, RCW 90.62.060; section 8, RCW 90.62.080; section 9, RCW 90.62.090; section 10, RCW 90.62.100; and creating a new section (modification of the Proposal). [Order DE 77-23, § 173-08-010, filed 12/1/77; Order 74-6, § 173-08-010, filed 5/1/74.]

WAC 173-08-020 Purpose. Chapter 185, Laws of 1973 1st ex. sess., requires the director of the department of ecology, in cooperation with other state agencies and local governments having environmental regulatory programs, to provide:

(1) An optional master application procedure, wherein a person undertaking a project which affects or contemplates the use of the state's air, land, or water resources is assured a greater degree of certainty in terms of permit requirements of state and local governments;

(2) A mechanism which will coordinate administrative decision-making procedures, and related quasi-judicial and judicial review;

(3) For better coordination and understanding between state and local regulatory agencies;

(4) A better and easier opportunity for the public to present its views on proposed uses of natural resources and related environmental matters before governmental decisions; and

(5) An opportunity for members of the public to obtain information pertaining to federal and state statutory requirements before undertaking a project. [Order DE 77-23, § 173-08-020, filed 12/1/77; Order 74-6, § 173-08-020, filed 5/1/74.]

WAC 173-08-030 Definitions. (1) Department: The department of ecology.

(2) Local government: A county, city, or town.

(3) Board: Pollution control hearings board.

(4) Permit: Any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the natural resources of land, air or water in the state. This document must be obtained from a participating agency before constructing or operating a project in the state of Washington. "Permit" shall also mean a substantial development permit under RCW 90-.58.140, and any permit required by a local government for a project that a local government has chosen to process under this chapter. In accordance with these definitions of "permit", the issuing agencies respective statutory authorities are as follows:

Department of Natural Resources

- Burning permits - RCW 76.04.150 & 76.04.170
- Dumping permits on forest lands - RCW 76.04.242
- Surface mine reclamation permit - RCW 78.44.080
- Drilling permit - RCW 78.52.120
- Log patrol license - RCW 76.40.030
- Forest Practices Application/Notification - RCW 76.09.060

Regional Air Pollution Control Authorities

- New source construction approval - RCW 70.94.152
- Burning permit - RCW 70.94.650
- Burning of field and turf grasses grown for seed - RCW 70.94.650

Local Government

- Substantial development permit - (shoreline management permit) RCW 90.58.140
- Any other permit(s) chosen by local government for inclusion

Department of Ecology

- Surface water rights permit - RCW 90.03.250
- Dam safety approval - RCW 90.03.350
- Reservoir permit - RCW 90.03.370
- Approval of change of place or purpose of use or point of diversion - RCW 90.03.380, surface water code; RCW 90.44.100, ground water code
- Ground water permit - RCW 90.44.050
- New source construction - approval RCW 70.94.152
- Burning of field and turf grasses grown for seed - RCW 70.94.650
- Flood control zone permit - RCW 86.16.080
- Waste discharge permit - RCW 90.48.180
- NPDES permit - chapter 173-220 WAC
- Sewage and industrial waste treatment facilities approval - RCW 90.48.110
- Weather modification permit - RCW 43.37.110
- Water quality certification - RCW 90.48.160

Department of Fisheries

- Hydraulic project approval - RCW 75.20.100
- Salmon aquaculture permit - RCW 75.16.100
- Mechanical harvest permit - RCW 75.28.287

Parks and Recreation Commission

- Park and recreation facilities, state parks approval - RCW 53.08.270
- Safe and adequate port district skilift facilities and equipment certification - RCW 70.88.020
- Permits for volunteer improvement of state parks - RCW 43.51.130

Department of Game

- Hydraulic project approval - RCW 75.20.100

Department of Social and Health Services

- Public sewage - chapter 248-92 WAC
- Public water supplies - chapter 248-54 WAC

Department of Agriculture

- Rendering plant operation - RCW 16.68.040

(5) Project: Any new activity, or any expansion of or addition to an existing activity, fixed in location, for which one or more permits are required before construction or operation. Permits would need to be required from two or more state agencies or one or more state agencies and one or more local governments, if the local government is processing permits or requests for variances, rezones, or other permits under this act. Such construction or operation may include, but need not be limited to, industrial and commercial operations and developments. For the purposes of this section, plans and specifications submitted for a hydraulic project, or other work, to the departments of fisheries and game, under

RCW 75.20.100, shall be considered an application for a permit required by one state agency.

(6) Person: Any individual, municipal, public or private corporation, or other entity, including a state agency and county.

(7) Processing and processing of applications: The entire procedures to be followed in relation to reviewing and to making decisions on an application for a permit.

(8) State agency: Any state department, commission, board or other agency of the state however titled. For the limited purposes of this chapter only "state agency" shall also mean: (a) Any local or regional air pollution control authority established under chapter 70.94 RCW; and (b) any local government, when said government is acting in its capacity as a decision maker on an application for a substantial development permit pursuant to RCW 90.58.140.

(9) Participating agency: Any state agency or local government involved in the processing of an application for a permit pursuant to the procedures of this act.

(10) Master application: The initial application filed with the department which provides a statement of intention to undertake a project. Sufficient information for participating agencies to determine if various permit programs apply to the project shall be included.

(11) Application: An application required in relation to a regulatory or management program as described in WAC 173-08-030.

(12) County permit information office: A designated location where permit information and a master application can be obtained.

(13) Master application center: The administrative headquarters where this act is implemented. The headquarters shall be located at the department of ecology in Olympia and shall be operated by the department independently of the department's other programs and administrative offices.

(14) Certification: A signed statement by local governments that the proposed project complies with local zoning ordinances, associated comprehensive plans, or relevant policies in effect for the subject area.

(15) Director: The director of the department of ecology.

(16) SEPA: The State Environmental Policy Act.

(17) EIS: An environmental impact statement, which means the detailed statement required in RCW 43.21C.030(2)(c).

(18) Threshold determination: The decision by a lead agency whether or not an environmental impact statement is required for a proposal.

(19) Environmental checklist: The form completed by the applicant and used by the lead agency to determine whether or not the proposal will result in a significant adverse impact upon the quality of the environment.

(20) Lead agency: The agency, designated by WAC 197-10-200 through 197-10-270 or 197-10-345, which is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(21) De novo quasi judicial hearing: A hearing held according to the administrative procedures act, chapter 34.04 RCW. [Order DE 77-23, § 173-08-030, filed 12/1/77; Order 74-6, § 173-08-030, filed 5/1/74.]

WAC 173-08-040 Master application form. The department shall supply a master application form to counties and department regional offices for applicants using this program. No other form shall be acceptable for the master application procedure. [Order DE 77-23, § 173-08-040, filed 12/1/77; Order 74-6, § 173-08-040, filed 5/1/74.]

WAC 173-08-050 Scope of master application procedure. (1) Use of the master application procedure is optional and at the discretion of the applicant.

(2) Procedures of this chapter shall be initiated by obtaining a blank master application form from the center in Olympia. Forms may also be obtained at one of the department's regional offices or a county permit information office.

After completing the form, assisted by any of those offices, the master application form shall be filed, at one of those offices, personally or by mail (the date of receipt at one of the offices shall be considered to be the filing date, if mailed). If filed at a regional office or a county permit information office, the master application shall be submitted immediately to the center in Olympia. To establish priority dates for water rights processed under this chapter, the priority date shall be the date of filing the master application.

(3) When the center receives the properly completed master application form, the center shall forward copies to all participating agencies.

(4) Upon receiving a copy of the master application, each notified participating agency shall respond, in writing, to the center. Response shall be on forms provided by the department within the given date, which shall not exceed fifteen days, as determined by the center. The response shall include statements on:

(a) Whether or not said agency has an interest in the project and, if an interest does exist, a written indication as to the pertinent permits, jurisdictions or interests including any information and data needed in addition to that provided in the master application;

(b) Whether or not a public hearing would be of value in considering the overall public interest.

(c) At the same time as provided in WAC 173-08-050(3), the master application center shall send a certification form to local government. The form should be completed and returned to the center within the given date, which shall not exceed fifteen days, as determined by the center. The form shall be completed by indicating one of the following:

(i) The proposal complies with all zoning ordinances and associated comprehensive plans and relevant policies administered by the local government relating to the location of the proposal. Therefore, certification is issued;

(ii) Local government has no applicable zoning ordinances or comprehensive plans and relevant policies in effect for the subject area. Therefore, certification is issued;

(iii) The proposal does not comply with either local governments zoning ordinances, associated comprehensive plans or relevant policies in effect for the subject area. Local government elects to process according to this chapter the permits necessary to certify this proposal.

(iv) The proposal does not comply with either local governments zoning ordinances, associated comprehensive plans or relevant policies in effect for the subject area. Local government does not elect to process according to this chapter the permits necessary to certify this proposal. Therefore, certification is not issued.

Permit applications shall be accepted by the master application office for transmittal and further processing if local government issues a certification or elects to process permits pursuant to this chapter. The master application procedure shall be terminated if certification is not granted by local government.

Should any participating agency not respond pursuant to WAC 173-08-050(4)(a) and (b), within the given time, said participating agency shall not then require a permit of the applicant for the project described in the master application. However, the bar to requiring a permit subsequently shall not apply if the master application given the participating agency contained false, misleading, or deceptive information, or other information, or lack thereof, which would cause the reviewing agency to misjudge the application. The center shall, at the same time, carefully evaluate the project's scope and all interests involved, including overall public interest, to determine if a public hearing is needed.

(5) The center shall send the requested information received from participating agencies to the applicant within five working days of the time given in WAC 173-08-050(4). At this time the center shall verify compliance with SEPA and, if not already accomplished, shall send an environmental checklist to the applicant for completion.

(6) Upon receipt of the blank application forms, the applicant shall complete these forms as required by the center and return them to the center within ninety days. Applicable fees, in the form of check or money order made out to the agency requiring the fee, shall be included. If the center has not received the completed permit application forms within ninety days (including applicable fees), the master application process for that project will be terminated. The applicant shall be notified by the center of this termination by certified mail.

(7) Upon return of the applications, and, if needed, the environmental checklist, the center shall forward these to the participating agencies. At the same time, the center shall identify the SEPA lead agency (pursuant to WAC 197-10-230(6)) and so notify the participating agencies.

(8) Along with the distribution of the application forms and other materials to the various participating agencies, the center shall prepare a notice of application. The center shall instruct the applicant to publish the notice, at the applicant's expense. Publication of the notice shall be coordinated with the timing requirements of SEPA, as determined by the lead agency. Timing considerations shall be given to predraft consultation requests (if requested by the applicant), to preparing the draft environmental impact statement (if required), and to the scheduling requirements of local boards, commissions and councils. The applicant shall publish the notice on the same day of the week for two consecutive weeks in a newspaper of general circulation within the county or counties in which the development is proposed to be constructed or operated. An affidavit of publication shall be transmitted by the applicant to the center. The applicant shall insure that the affidavit of publication is on file with the center prior to the public hearing or in the absence of a public hearing prior to issuance of the final permit decisions.

(9) Should the center, or any agency reviewing a given master application, indicate the need for public hearing, after considering overall public interest, a hearing shall be held no sooner than fifteen days after the date of the last publication of the notice, in the county in which all or a major part of the proposed project is to be constructed or operated. If an affirmative threshold determination is made by the lead agency, the public hearing shall be held during the draft EIS review period. At the public hearing:

(a) The applicant may submit any relevant information and material to support his applications. Members of the public may present relevant views and supporting materials in relation to any or all of the applications being considered, and any SEPA related documents including a draft EIS.

(b) Each agency having an application for a permit before it, as described in the public notice, may be represented at the public hearing by its chief administrative officer or his designee. Representatives of all participating agencies may present agency views, information, and supporting materials which are relevant to the applications under their jurisdictions.

(c) The director of the department, or a hearing officer duly appointed by him, shall chair the hearing. However, the representative of any agency (other than the department) within whose jurisdiction a certain application lies shall conduct the part of the hearing when information, views, and supporting materials relevant to that application are submitted.

(d) The hearings officer may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription, as determined by the center. Depending on how large and complex the project is, the hearings officer may hold public hearings in two parts. The initial hearing shall inform the public of the general intent and impact of the project and shall not be an adversary or trial hearing. Upon completion of this hearing the hearings officer shall request written comments from interested parties, to be submitted before the second hearing. The second hearing will inform the public of the tentative decisions of the participating agencies and additional oral and written comments from interested parties concerning the project will be accepted.

(10) After the public hearing(s), the center shall provide or forward copies of the complete record to participating agencies. If a public hearing is not held, the center shall wait twenty days from the date of last publication of the notice for public comment, and then forward the record to participating agencies. Participating agencies will consider the complete record provided by the center when making final decisions.

At the same time, the center shall notify each participating agency, in writing, of the date for final decisions on applications. This date shall be set after the center consults with agency representatives. Final decisions shall be forwarded to the center by that date. With reasonable cause, however, this date may be extended.

(11) All final decisions by participating agencies shall give the basis for the conclusion reached. A final order shall also be given. This order shall approve or deny the permit, subject to any conditions of approval which the deciding agency has the authority to impose.

Final decisions shall be based on the record given to the participating agencies by the center. This record shall include, but not be limited to, the following:

(a) Master application;

(b) Permit applications;

(c) Public notices;

(d) Project description, as modified or amended during the procedures of this chapter;

(e) Environmental checklist;

(f) Draft and final environmental impact statements, including written comments received during the draft review period;

(g) All other written environmental investigations and studies;

(h) All correspondence on the project, sent from or received by the center during these procedures;

(i) Hearing transcript;

(j) Written comments from the hearing;

(k) All other pertinent documents submitted in evidence during the ECPA procedures.

(12) When received by the center, the final decisions shall be compiled, without being modified, into one document. This assembled document shall then be given to the applicant personally or sent by registered mail. [Order DE 77-23, § 173-08-050, filed 12/1/77; Order 74-6, § 173-08-050, filed 5/1/74.]

WAC 173-08-065 Modification of the proposed project. It is anticipated that the proposed project, as originally described in the master application, may be modified during the procedures provided in this chapter. These modifications may be made by the applicant or by requirements of participating agencies. Generally, modifications to the proposal will not require resubmittal of a master application. However, modifications to the proposal will require resubmittal of a master application when:

(1) A participating agency proposes modifications which require submitting a new application for a permit;

(2) An applicant proposes modifications which require a new permit within the scope of this chapter and the center agrees or a majority of the participating agencies agree;

(3) An applicant's proposed modification requires resubmittal of an application for a permit on file and the center agrees or a majority of the participating agencies agree. [Order DE 77-23, § 173-08-065, filed 12/1/77.]

WAC 173-08-070 Appeals to final decisions. Any person aggrieved by a final decision issued through these procedures relating only to a substantial development permit may obtain review by filing a request with the shorelines hearings board. This request must be filed within thirty days of the date the final decision document is sent out by the master application center.

Review of a final decision relating to any state only permit, except a substantial development permit, may be obtained by filing a request with the pollution control hearings board within the same time limit.

If a request for review includes a final decision involving a substantial development permit, and any other state permit(s), a single staged hearing of the permits shall be held by the joint boards.

The period for review of final decisions is extended an additional thirty days, if the department of ecology modifies or disapproves a substantial development permit with a conditional use or variance. The extended thirty day review period will commence when the master application center sends out notification to participating agencies and interested persons.

Any hearing held under this chapter by the shorelines hearings board or the pollution control hearings board, or by the boards jointly, shall be a de novo quasi-judicial hearing. This hearing shall be held under the procedures of chapter 34.04 RCW, the administrative procedure act.

Any person aggrieved by and desiring to appeal any final decision of a local government, issued through the provisions of this chapter, shall obtain review in the same manner which would apply if the local government had not used the procedures of this chapter. [Order DE 77-23, § 173-08-070, filed 12/1/77.]

Chapter 173-10 WAC
PERMIT PROCESSING PROCEDURE APPLICABLE TO TWO OR MORE PERMIT PROGRAMS

WAC

173-10-010 Authority.
173-10-020 Purpose.
173-10-030 Definitions.
173-10-040 Single application form.
173-10-050 Public notice.
173-10-060 Procedures superseded.
173-10-070 Public hearing.
173-10-080 Public notice of public hearing.
173-10-090 Scope of single application procedure.
173-10-100 Final action on the single application.
173-10-110 Appeal.

WAC 173-10-010 Authority. This regulation is adopted pursuant to the environmental coordination procedures act of 1973, in particular, RCW 90.62.110(3). [Order DE 75-26, § 173-10-010, filed 11/7/75.]

WAC 173-10-020 Purpose. RCW 90.62.110(3) authorizes the director of the department of ecology to establish a permit application processing procedure which may be used, at the request of an applicant, in relation to two or more permit programs administered solely by the department of ecology consistent with the policies of the environmental coordination procedures act contained in RCW 90.62.010. [Order DE 75-26, § 173-10-020, filed 11/7/75.]

WAC 173-10-030 Definitions. For the purposes of this regulation:

(1) "Department" means department of ecology.

(2) "Board" means pollution control hearings board.

(3) "NPDES permit" means a permit issued by the Department pursuant to RCW 90.48.260 and WAC 173-220-020, as a part of the national pollutant discharge elimination system, (NPDES) created by section 402 of the federal water pollution control act (FWPCA), for the discharge of pollutants from point sources into waters of the state and the United States.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar documents pertaining to any regulatory or management program related to the protection, conservation, or use of, or interference with the natural resources of land, air, or water in the state, which is required to be obtained from the department prior to constructing or operating a project in the state of Washington; provided that occupational licenses and training certifications issued by the department shall be excluded from the definition of permit as used herein. The permit and/or environmental authorization programs covered by this regulation and the statutory authority providing for such issuance are listed herein:

New source construction approval	RCW 70.94.152
Burning for weed abatement, instruction or agricultural activities	RCW 70.94.650
Burning of field and turf grasses grown for seed	RCW 70.94.650
Weather modification permit	RCW 43.37.100
Surface water rights permit	RCW 90.03.250
Dam safety approval	RCW 90.03.350
Reservoir permit	RCW 90.03.370
Certificate for change of water rights surface waters	RCW 90.03.380
Amendment of ground water permit or diversion	RCW 90.44.100
Ground water rights permit	RCW 90.44.050
Flood control zone permit	RCW 86.16.160
Sewage and industrial waste treatment facilities approval	RCW 90.48.110
Waste disposal permit	RCW 90.48.180
NPDES permit	RCW 90.48.160
	RCW 90.48.260
	WAC 173-220-020

(5) "Project" means any new activity or any expansion of or addition to an existing activity, fixed in location, for which two or more permits are required from the department prior to construction or operation, including but not limited to industrial and commercial operations and developments. [Order DE 75-26, § 173-10-030, filed 11/7/75.]

WAC 173-10-040 Single application form. A single application form shall be supplied by the department for applicants making use of the procedures of this chapter; provided that when an NPDES permit is included among the permits applied for, the applicant choosing to utilize the procedures of this chapter shall complete both a single application and a special NPDES application. [Order DE 75-26, § 173-10-040, filed 11/7/75.]

WAC 173-10-050 Public notice. (1) The department, within 30 days after receipt of a properly completed single application, shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated.

(2) The public notice shall describe the nature of the single application including, with reasonable specificity, the following:

(a) Name, address, phone number, and representative of agency issuing the public notice;

(b) Name and address of the applicant;

(c) The proposed project including its location; and

(d) Permits applied for.

(3) The notice shall state that members of the public may present relevant views and supporting materials in writing to the department in relation to any of the permits applied for within 30 days after the last date of publication of the notice in a newspaper. It shall further state that a copy of the single application for the project is available for public inspection at the appropriate regional office as well as at the Olympia office of the department.

(4) All written comments submitted by members of the public during the 30-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the application. The period for comment may, at the discretion of the department, be extended for up to an additional period of 60 days. [Order DE 75-26, § 173-10-050, filed 11/7/75.]

WAC 173-10-060 Procedures superseded. In accordance with RCW 90.62.090, when the single application procedure, as provided herein, is used for the processing of permit applications by the department, the timing, hearing, and public notice requirements of the permit programs specified in WAC 173-10-030(4) shall be superseded by the provisions of this regulation; Provided that where there are conflicts between the procedures established by this chapter and those specified for

NPDES applications, the latter shall control the processing of permit applications pursuant to this chapter. [Order DE 75–26, § 173–10–060, filed 11/7/75.]

WAC 173–10–070 Public hearing. (1) The applicant, any affected government agency, or any interested person or group of persons may request a public hearing with respect to a single application. Any such request for a public hearing shall be filed prior to expiration of the 30–day period prescribed in the public notice of WAC 173–10–050(3).

(2) If, at any time, or after taking into consideration opportunities for members of the public to present views, the department concludes that the public interest so requires, the department shall hold a public hearing relative to the proposed project.

(3) At any public hearing, the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the permits being applied for. [Order DE 75–26, § 173–10–070, filed 11/7/75.]

WAC 173–10–080 Public notice of public hearing. (1) Normally, the notice of a public hearing shall be included with the notice provided for in WAC 173–10–050.

(2) If public notice of any hearing held pursuant to WAC 173–10–070 is made subsequent to the notice provided for in WAC 173–10–050, said notice shall be given in the same manner as that in WAC 173–10–050.

(3) The notice of public hearing shall include, in addition to such information required in WAC 173–10–050(2), the following:

(a) Location of the public hearing (in the county in which all or a major part of the proposed project is to be constructed or operated); and

(b) Time of the public hearing (to be held not less than 20 days after the date of last publication of the notice). [Order DE 75–26, § 173–10–080, filed 11/7/75.]

WAC 173–10–090 Scope of single application procedure. (1) Utilization of the single application procedure is optional with the applicant. However, the department shall encourage applicants to make use of the procedures of this chapter.

(2) Initiation of the procedures of this chapter shall be accomplished by obtaining a single application form (or forms when an NPDES permit is sought) from the department in Olympia or one of the department's regional offices. It shall be the responsibility of the office to provide reasonable assistance in preparation of said application to any person requesting the same. Upon completion of the form, it shall be filed at the regional office serving the county in which all or a major portion of the proposed project is to be located or operated. Filing shall be by mail or in person. The date of receipt at the appropriate office shall be considered to be the filing date.

(3) Upon receipt of a properly completed single application form, the regional manager (or division supervisor) shall assign a permit coordinator to do the following:

(a) To distribute the completed application to all appropriate personnel in the department;

(b) To act as liaison between the applicant and other department personnel; and

(c) To coordinate the department's correspondence with the applicant.

(4) Within 60 days after receipt of a properly completed single application, the permit coordinator shall notify the applicant in writing of the status of the application, providing as a minimum, the following information:

(a) Whether a public hearing is required;

(b) Any requirements which must be satisfied relating to detailed statements under RCW 43.21C.030;

(c) Whether additional information is required from the applicant; and

(d) The anticipated decision deadline.

The status letter shall be signed by a regional manager or division supervisor. [Order DE 75–26, § 173–10–090, filed 11/7/75.]

WAC 173–10–100 Final action on the single application. (1) Where a detailed statement under RCW 43.21C.030 is not required for a proposed project, the department shall make all reasonable efforts to issue rulings on permits within 60 days following the public hearing or if no public hearing is required then 60 days following the deadline for public comment as provided in WAC 173–10–050(3).

(2) As soon as all final decisions have been made by the department for all permits covered under a single application, the department shall incorporate them into one document and transmit the same to the applicant either personally or by certified mail. Included as part of the document shall be a summary cover sheet prepared in a manner prescribed by the director. [Order DE 75–26, § 173–10–100, filed 11/7/75.]

WAC 173–10–110 Appeal. Any person aggrieved by any decision of the department made pursuant to this chapter may appeal that decision to the board according to the procedures of RCW 90.62.080. [Order DE 75–26, § 173–10–110, filed 11/7/75.]

Chapter 173–12 WAC
GENERAL PROCEDURE

WAC

173–12–010 Purpose.
173–12–020 Scope of directions——Requests for advice and guidance.
173–12–030 Requests of the directors for advice and guidance.
173–12–040 Ecological commission submission of views.
173–12–050 Adoption of regulations.
173–12–060 Meetings.

WAC 173–12–010 Purpose. The ecological commission, hereinafter referred to as the commission, was established to provide advice and guidance to the director

of the department of ecology on various matters before action is taken by the director. The purpose of this regulation is to set forth the relationship between the director and the ecological commission with regard to such advice and guidance and the procedures to be followed by the director in requesting advice and guidance and by the members of the commission in responding with their views. [Order DE 70–11, § 173–12–010, filed 1/5/71.]

WAC 173–12–020 Scope of directions——Requests for advice and guidance. The director, as required by RCW 43.21A.190, shall submit all regulations, other than those relating to procedural matters, to the member of the commission to obtain their advice and guidance. In addition, it is the intention of the director, whenever practicable, to submit all positions or actions he proposes to take of major significance to the commission for their advice and guidance. Matters of major significance shall include, but are not limited to, procedural regulations pertaining to applications for and granting of variances and to financial assistance grants proposed to be given to public entities, and bills prepared for introduction in the legislature by departmental request. Notwithstanding the last paragraph of RCW 43.21A.190, the director shall submit to the commission all comprehensive water resource plans, or planning processes proposed for adoption as a regulation. Comprehensive environmental quality plans or planning processes shall be similarly submitted for advice and guidance. [Order DE 70–11, § 173–12–020, filed 1/5/71.]

WAC 173–12–030 Requests of the director for advice and guidance. The director shall include with each request to the members of the commission for advice and guidance a statement of the background occasioning the request together with the director's proposal; e.g., a proposed regulation. The request shall be in the form of a letter to each commissioner setting forth the subject of the request and a date by which the director desires the commissioners to submit their views to him. Accompanying each letter will be three attachments: (1) a background statement, (2) the director's proposal, and (3) a form for submission of each commissioner's views to the director.

Except in matters involving "emergency" regulations, the director, in setting of dates for submission of views by the commissioners. shall under normal conditions allow for at least one public meeting of the commission between the dates of the request and of the submission.

Whenever practicable the director shall, pursuant to RCW 34.04.025, hold public hearings relating to a regulation proposed for adoption in conjunction with meetings of the ecological commission. If no public hearings are held in relation to a regulation, other than one relating to an emergency, proposed for adoption, the director shall, whenever practicable, furnish the data, views and other written material provided to the director by interested persons prior to the date of submission of views by the commissioners. [Order 71–10, § 173–12–030, filed 8/4/71; Order DE 70–11, § 173–12–030, filed 1/5/71.]

WAC 173–12–040 Ecological commission submission of views. Each member of the commission shall submit his views separately and in writing with regard to each request for advice and guidance as provided in WAC 173–12–030. Whenever possible a commissioner shall submit his views to the director on the form provided by the director under WAC 173–12–030. Commissioners shall submit their views to the secretary of the commission at his office in Olympia. If the secretary is someone other than the director, the secretary, upon receiving the views of a commissioner, shall forthwith deliver the same to the director. The secretary of the commission shall be responsible for maintaining a register containing a full and complete file of all relevant documents pertaining to each request for advice and guidance of the director. [Order DE 70–11, § 173–12–040, filed 1/5/71.]

WAC 173–12–050 Adoption of regulations. Except as hereafter provided in this section, the director shall not adopt a regulation, other than those pertaining to procedural matters, until thirty days after the director's request for views of the commissioners: *Provided, however*, That whenever a regulation is designated by the director as an emergency regulation, the director may adopt said regulation as soon as he has received views of at least three commissioners generally approving the regulation as proposed by the director. [Order 71–10, § 173–12–050, filed 8/4/71; Order DE 70–11, § 173–12–050, filed 1/5/71.]

WAC 173–12–060 Meetings. Regular meetings of the commission shall be held quarterly on the second Wednesday of March, June, September, and December at 9:30 a.m. at a location to be designated by the commission. Any person may obtain information as to said location by contacting the secretary of the commission at the offices of the department of ecology, Olympia, Washington. [Order DE 72–16, § 173–12–060, filed 6/30/72.]

Chapter 173–14 WAC
PERMITS FOR SUBSTANTIAL DEVELOPMENTS ON SHORELINES OF THE STATE

WAC

173–14–010 Authority.
173–14–020 Purpose.
173–14–030 Definitions.
173–14–040 Exemptions from permit system.
173–14–050 Application of the permit system to substantial development undertaken prior to the act.
173–14–060 Scope of permit.
173–14–062 Applicability of permit system to federal agencies.
173–14–064 Revisions to substantial development permits.
173–14–070 Notice required.
173–14–080 Public hearings.
173–14–090 Filing with department of ecology and attorney general.
173–14–100 Judgment criteria for substantial development permits.
173–14–110 Application for substantial development permit, conditional use, and/or variance.
173–14–115 Letter of exemption.
173–14–120 Permits for substantial development.

173–14–130	Substantial development permits with conditional uses and variances.
173–14–140	Definitions and objectives of conditional use.
173–14–150	Variances.
173–14–160	Department of ecology review.
173–14–170	Requests for review.
173–14–180	Enforcement orders by local government or department of ecology.
173–14–190	Hearings on regulatory orders.

WAC 173–14–010 Authority. This regulation is adopted pursuant to RCW 90.58.140(3) and RCW 90-.58.200. [Order DE 75–22, § 173–14–010, filed 10/16/75; Order 71–18, § 173–14–010, filed 12/16/71.]

WAC 173–14–020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system established therein. The purpose of this regulation is to establish basic rules for the permit system in harmony with the spirit of RCW 90.58.140(3) which provides that local government shall establish a program consistent with rules adopted by the department for administration and enforcement of the permit system for shoreline management. This administrative regulation is drafted to also reflect RCW 90.58.050 which provides that the intent of the shoreline management act is to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating and administering the regulatory program of shoreline management whereas the department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policies and provisions of the shoreline management act. [Order DE 75–22, § 173–14–020, filed 10/16/75; Order 71–18, § 173–14–020, filed 12/16/71.]

WAC 173–14–030 Definitions. The following definitions shall apply:

(1) "Department" means the department of ecology.

(2) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to this chapter.

(3) "Final order" shall include the approval or disapproval of a permit or a letter of exemption as set forth in WAC 173–14–115.

(4) "Act" shall mean chapter 286, Laws of 1971 ex. sess., the Shoreline Management Act of 1971.

(5) "Substantial development undertaken on the shorelines of the state prior to the effective date of the Act" shall mean actual construction begun upon the shoreline as opposed to preliminary engineering or planning.

(6) "Average grade level" shall mean the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site; *Provided*, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

(7) "Height" shall be measured from average grade level to the highest point of a structure: *Provided*, That appurtenances such as television antennas and chimneys shall not be used in calculating height.

The definitions and concepts set forth in RCW 90.58-.030 shall also apply as used herein. [Order DE 76–17, § 173–14–030, filed 7/27/76; Order DE 75–22, § 173–14–030, filed 10/16/75; Order 71–18, § 173–14–030, filed 12/16/71.]

WAC 173–14–040 Exemptions from permit system. The following shall not require permits for the purposes of the act:

(1) Any development of which the total cost or fair market value does not exceed $1000, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

(2) Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.

(3) Construction of the normal protective bulkhead common to single–family residences.

(4) Emergency construction necessary to protect property from damage by the elements.

(5) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(6) Construction or modification of navigational aids such as channel markers and anchor buoys.

(7) Construction on wetlands by an owner, lessee or contract purchaser of a single–family residence for his own use or for the use of his family, which residence does not exceed a height of thirty–five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

(8) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single–family residence, the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars.

(9) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.

(10) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(11) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

(12) Any project with a certification from the governor pursuant to chapter 80.50 RCW.

(13) No permit shall be required under chapter 90.58 RCW for the construction of up to 500 feet of one and only one road or segment of a road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW. [Order DE 76–17, § 173–14–040, filed 7/27/76; Order DE 75–28, § 173–14–040, filed 12/4/75; Order DE 75–22, § 173–14–040, filed 10/16/75; Order 71–18, § 173–14–040, filed 12/16/71.]

WAC 173–14–050 Application of the permit system to substantial development undertaken prior to the act. Substantial development undertaken on the shorelines of the state prior to the effective date of the Act shall not require a permit except under the following circumstances:

(1) Where the activity was unlawful prior to the effective date of the Act.

(2) Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the Act.

(3) Where the development is not completed within two years after the effective date of the Act. In determining the running of the two–year period hereof, those periods of time after June 1, 1971 shall not be included during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue.

(4) Where substantial development occurred prior to the effective date of the Act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

Substantial development undertaken prior to the effective date of the Act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced. [Order 73–23, § 173–14–050, filed 10/23/73; Order 71–18, § 173–14–050, filed 12/16/71.]

WAC 173–14–060 Scope of permit. The following time requirements shall apply to all substantial development permits and conditional uses and variances:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the act must be undertaken within two years after the approval of the substantial development permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the criteria set forth in WAC 173–14–100. Provided, that in determining the running of the two–year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided further, that local government may, at its discretion extend the two–year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

(2) If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five–year period, review the permit, and upon a showing of good cause, do either of the following:

(a) Extend the permit for one year; or

(b) Terminate the permit;

provided that nothing herein shall preclude local government from issuing substantial development permits with a fixed termination date of less than five (5) years. [Order DE 75–22, § 173–14–060, filed 10/16/75; Order 71–18, § 173–14–060, filed 12/16/71.]

WAC 173–14–062 Applicability of permit system to federal agencies. The substantial development permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the shoreline management act and the department for shorelines of the state.

(1) Federal agencies shall not be required to obtain permits for substantial developments undertaken by the federal government on lands owned in fee by the federal government, unless the federal government grants or reserves to the state or local government, substantial jurisdiction over activities on those lands.

(2) Upon approval of the Washington state shoreline program pursuant to the coastal zone management act, 16 U.S.C. 1451 et seq., the federal government shall be subject to the state shoreline program as provided by the coastal zone management act.

(3) The substantial development permit system shall apply to nonfederal activities constituting substantial developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

(4) The substantial development permit system shall apply to substantial developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government. [Order DE 75–22, § 173–14–062, filed 10/16/75.]

WAC 173–14–064 Revisions to substantial development permits. When an applicant seeks to revise a substantial development permit, local government shall request from the applicant detailed plans and text describing the proposed changes in the permit.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, local government shall approve a revision.

(2) "Within the scope and intent of the original permit" shall be construed to mean the following:

(a) No additional over water construction will be involved;

(b) Lot coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit: *Provided*, That revisions involving new structures not shown on the original site plan shall require a new substantial development permit, and: *Further provided*, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located. Landscaping may be added to a project without necessitating an application for a new substantial development permit: *Provided*, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the master program for the area in which the project is located.

(c) No additional significant adverse environmental impact will be caused by the project revision.

(3) If the revision will violate the terms of one or more of the provisions in (2) above, local government shall require that the applicant apply for a new substantial development permit in the manner provided for herein.

(4) The revised permit shall become effective immediately. Within eight (8) days of the date of final local government action the approved revision shall be submitted to the appropriate Department of Ecology regional office and the attorney general for the completion of their files. In addition, local government shall submit the revised site plan, text and the approved revision to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173–14–070. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 15 days from the date of receipt of the local governments action by the Department of Ecology regional office. Appeals shall be based only upon contentions of noncompliance with the provisions of 2(a)(b)(c) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicants own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision was not within the scope and intent of the original permit, it shall have no bearing on the original permit. [Order DE 76–17, § 173–14–064, filed 7/27/76; Order DE 75–22, § 173–14–064, filed 10/16/75.]

WAC 173–14–070 Notice required. Upon receipt of a proper application for a shoreline management substantial development permit, local government shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. In addition, local government shall insure that additional notice of such application is given by at least one of the following methods:

(1) Mailing to the latest recorded real property owners as shown by the county assessor within at least three hundred (300) feet of the boundary of the property upon which the substantial development is proposed,

(2) Posting in a conspicuous manner on the property upon which the project is to be constructed or,

(3) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public. An affidavit that the notice has been properly published, and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. Such notices shall include a statement that within thirty days (30) of the final publication, any interested person may submit his written views upon the application to the appropriate local government or notify the local government of his desire to receive a copy of the action taken upon the application. All persons who notify the appropriate local government of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken upon the application. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing. All notices of applications for shoreline management substantial development permits shall contain, as a minimum, the information called for in the following form:

NOTICE OF APPLICATION FOR
SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT PERMIT

Notice is hereby given that (state full name) who is (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below–described property has filed an application for a substantial development permit for the development of (describe development including uses) located at (give street address, if known, otherwise give distance and direction to nearest town) within _____ (quarter section) of section _____ of township _____ N., Range _____ W.M., in (city or town) (County) Washington. Said development is proposed to be within (name of water area) and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify (name of local government official) in writing of his interest within thirty (30) days of the final date of publication of this notice which is (date).

Written comments must be received by___(date)___.

[Order DE 76-17, § 173-14-070, filed 7/27/76; Order DE 75-22, § 173-14-070, filed 10/16/75; Order 71-18, § 173-14-070, filed 12/16/71.]

WAC 173-14-080 Public hearings. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of permits in order to allow interested persons to present their views. [Order DE 75-22 § 173-14-080, filed 10/16/75; Order 71-18, § 173-14-080, filed 12/16/71.]

WAC 173-14-090 Filing with department of ecology and attorney general. Copies of the original application and other pertinent materials used in the final decision pursuant to either chapter 90.58 RCW or chapter 43-.21C RCW, the permit and any other written evidence of the final order of local government relative to the application shall be filed with the department of ecology and attorney general within eight days of the final decision. Filing shall not be complete until the final order has actually been received by the regional office of the department within which the project lies, and by the attorney general. This same rule shall apply to conditional uses, variances and rescissions of permits pursuant to WAC 173-14-120. "Date of filing" shall be the date of actual receipt by the regional office of the department. The department shall notify in writing the local government and the applicant of the date of filing. [Order DE 76-17, § 173-14-090, filed 7/27/76; Order DE 75-22, § 173-14-090, filed 10/16/75; Order 71-18, § 173-14-090, filed 12/16/71.]

WAC 173-14-100 Judgment criteria for substantial development permits.* (1) Prior to the effective date of an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of the act;

(b) The guidelines and regulations of the department;

(c) So far as can be ascertained, the master program being developed for the area; and

(2) After the adoption or approval, as appropriate, by the department of an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with WAC 173-14-100(1) (with the exception of guidelines referred to in WAC 173-14-100(1)(b) above) and the master program adopted or approved for the area.

* The State Environmental Policy Act, chapter 43-.21C RCW, has been determined to be applicable to government permit programs. See WAC 461-08-175, Rules of Practice and Procedures of the Shoreline Hearings Board. Also see Council on Environmental Policy Guidelines.

[Order DE 75-22, § 173-14-100, filed 10/16/75; Order 71-18, § 173-14-100, filed 12/16/71.]

WAC 173-14-110 Application for substantial development permit, conditional use, and/or variance. Applications for a substantial development permit, which may include conditional use, and/or variance shall contain, as a minimum, the information called for in the following form. Such forms shall be supplied by local government.

APPLICATION FOR SUBSTANTIAL DEVELOPMENT PERMIT

TO THE APPLICANT: This is an application for a substantial development permit and is authorized by the shoreline management act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

1. Name of applicant _____
2. Mailing address _____
3. Relation of applicant to property:
   Owner _____
   Purchaser _____
   Lessee _____
   Other _____
4. Name and address of owner, if other than applicant
   _____
   _____
5. General location of proposed project (please list section to the nearest quarter section, township, and range)
   _____
6. Name of water area and/or wetlands within which development is proposed
   _____
7. Current use of the property with existing improvements _____
   _____
8. Proposed use of property _____
   _____
   _____
9. (To be completed by local official.) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any):
   _____
   _____
   _____
   _____
10. (To be completed by local official.) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the existing grade level, indicate the approximate location of

and number of residential units, existing and potential, that will have an obstructed view. AVERAGE GRADE LEVEL DETERMINATION: The natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed structure shall be used in calculating average grade level. "Natural or existing topography" shall mean the topography of the building site prior to any excavation, grading or filling. Calculation of average grade level shall be made by averaging the elevations at the center of all exterior walls of a building or structure.

PROJECT DIAGRAMS: Draw all site plans and maps to scale, clearly indicating scale on lower right–hand corner and attach them to the application.

(a) **SITE PLAN.** Include on plan:
(1) Site boundary.
(2) Property dimensions in vicinity of project.
(3) Ordinary high–water mark.
(4) Typical cross section or sections showing:
(i) Existing ground elevations.
(ii) Proposed ground elevation.
(iii) Height of existing structures.
(iv) Height of proposed structures.
(5) Where appropriate, proposed land contours using five–foot intervals in water area and ten–foot intervals on areas landward of ordinary high–water mark, if development involves grading, cutting, filling, or other alteration of land contours.
(6) Show dimensions and locations of existing structures which will be maintained.
(7) Show dimensions and locations of proposed structures.
(8) Identify source, composition, and volume of fill material.
(9) Identify composition and volume of any extracted materials, and identify proposed disposal area.
(10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
(11) If the development proposes septic tanks, does proposed development comply with local health and state regulations?
(12) Shoreline designation according to master program.
(13) Show which areas are shorelines and which are shorelines of statewide significance.

(b) **VICINITY MAP.**
(1) Indicate site location using natural points of reference (roads, state highways, prominent land marks, etc.)
(2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the site and its distance to the nearest city or town.
(3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site. (i.e., residential to the north, commercial to the south, etc.). [Order DE 76–17, § 173–14–110, filed 7/27/76; Order DE 75–22, § 173–14–110, filed 10/16/75; Order 71–18, § 173–14–110, filed 12/16/71.]

WAC 173–14–115 Letter of exemption. Whenever a development falls within the exemptions stated in WAC 173–14–040 and the development is subject to a U.S. Corps of Engineers section 10 permit under the River and Harbor Act of 1899 the local government shall prepare a letter addressed to the applicant and the department, exempting the development from the permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

To: ----------
(name and address of the applicant)

The proposal by (name of applicant) to undertake the the following development (please be specific)

---

upon the following property (please list legal description, i.e., section to the nearest quarter section)

---

within (name of water area) and/or its associated wetlands is exempt from the requirement of substantial development permit because the development

---
(Identify exemptions as outlined in WAC 173–14–040)

(Corps Public Notice Number if Available)

The proposed development is consistent or inconsistent with:

CHECK ONE		
CONSISTENT	INCONSISTENT	
☐	☐	Policies of the Shoreline Management Act
☐	☐	The guidelines of the Department of Ecology where no master program has been finally approved or adopted by the department.
☐	☐	The master program

(Date)

(Signature of Authorized Local Governmental Official)

[Order DE 76–17, § 173–14–115, filed 7/27/76; Order DE 75–22, § 173–14–115, filed 10/16/75.]

WAC 173–14–120 Permits for substantial development. Each permit for a substantial development, which may include a conditional use and/or variance, issued by

local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until thirty (30) days from the date that the department of ecology regional office receives the permit; or until all review proceedings initiated within thirty (30) days from the date of receipt by the department have been terminated; *Except* as provided in RCW 90.58.140(5)(a)(b)(c). The department shall notify in writing the local government and the applicant of the date of filing. Such permit shall be in substantially the following form. Such form will be supplied by local government.

SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT

NOTE – THIS PAGE FOR LOCAL GOVERNMENT USE ONLY

(Consecutive but beginning with No. 1)

Application No. ----------

Administering Agency ---------- (city or county)

Date received ----------

Approved ---------- Denied ----------

Date ----------

Type of Action (Check if appropriate)

☐ Substantial Development Permit
☐ Conditional Use
☐ Variance

Pursuant to chapter 90.58 RCW, a permit is hereby granted to

(name of applicant)

---

to undertake the following development (Please be specific) ----------

---

---

upon the following property (please list the legal description, i.e., section to the nearest quarter section, township, range)

The project will (be/not be) within shorelines of statewide significance (RCW 90.58.030). The project will be located within a (environment) designation. The following master program provisions are applicable to this development (please state the master program section or page number)

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions

---

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY (30) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

---------- ----------

(Date) (Signature of Authorized Local Government Official)

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A SUBSTANTIAL DEVELOPMENT PERMIT WITH A CONDITIONAL USE OR VARIANCE.

Date received by Department of Ecology ----------

Approved ---------- Denied ----------

This substantial development permit with conditional use/variance is approved by the department of ecology pursuant to chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

---------- ----------

(Date) (Signature of Authorized Department of Ecology Official)

[Order DE 76–17, § 173–14–120, filed 7/27/76; Order DE 75–22, § 173–14–120, filed 10/16/75; Order 71–18, § 173–14–120, filed 12/16/71.]

WAC 173–14–130 Substantial development permits with conditional uses and variances. After taking action

on a conditional use or variance local government shall submit its action to the department for its approval, approval with conditions (with concurrence of local government) or denial. [Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.]

WAC 173-14-140 Definitions and objectives of conditional use. Conditional uses are specifically described within the master program. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control the undesirable effects, the range of uses within each of the designated environments can be expanded to include additional uses. [Order DE 75-22, § 173-14-140, filed 10/16/75.]

WAC 173-14-150 Variances. A variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the master program. A variance will be granted only after the applicant can demonstrate in addition to satisfying the procedures set forth in WAC 173-14-130 the following:

(1) That if he complies with the provisions of the master program, he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a variance.

(2) That the hardship results from the application of the requirements of the act and master programs, and not, for example, from deed restrictions or the applicant's own actions.

(3) That the variance granted will be in harmony with the general purpose and intent of the master program.

(4) That the public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied. [Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.]

WAC 173-14-160 Department of ecology review. The department shall render and so notify local government and the permittee of its final decision approving or disapproving a permit for a conditional use or variance within thirty (30) days of the filing by local government pursuant to WAC 173-14-090. Local government shall notify those interested persons having contacted local government pursuant to WAC 173-14-070 of said final decision. [Order DE 76-17, § 173-14-160, filed 7/27/76; Order DE 75-22, § 173-14-160, filed 10/16/75.]

WAC 173-14-170 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-14 WAC are governed by the procedures established in RCW 90.58.180. [Order DE 75-22, § 173-14-170, filed 10/16/75.]

WAC 173-14-180 Enforcement orders by local government or department of ecology. (1) Local government and the department of ecology shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of substantial development being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of RCW 90.58.020, and the following:

(i) Prior to the formal adoption or approval of the department of ecology of a master program for the area, the guidelines (chapter 173-14 WAC), and

(ii) Thereafter the master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

(b) An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time; and

(c) The right of the person to whom the order is directed to a hearing before the Shorelines Hearings Board.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed and shall become final unless review is requested pursuant to WAC 173-14-190. [Order DE 76-17, § 173-14-180, filed 7/27/76; Order DE 75-22, § 173-14-180, filed 10/16/75.]

WAC 173-14-190 Hearings on regulatory orders. (1) The person to whom the order is directed may request review to the Shorelines Hearings Board within thirty days after being served. The requirements of RCW 90.58.180(1) and chapter 461-08 WAC shall apply to all said requests for review, provided, however, that there shall be no requirement for such requests to be filed with and certified by the department of ecology and the attorney general.

(2) All hearings held pursuant to this provision and judicial review thereof shall be in accordance with the rules establishing the Shorelines Hearings Board contained in chapter 90.58 RCW and to chapter 461-08 WAC. [Order DE 75-22, § 173-14-190, filed 10/16/75.]

Chapter 173-16 WAC
SHORELINE MANAGEMENT ACT GUIDELINES FOR DEVELOPMENT OF MASTER PROGRAMS

WAC

173-16-010 Purpose.
173-16-020 Applicability.
173-16-030 Definitions.

173-16-040 The master program.
173-16-050 Natural systems.
173-16-060 The use activities.
173-16-070 Variances and conditional uses.
173-16-200 Appendix.

WAC 173-16-010 Purpose. This regulation is adopted pursuant to chapter 90.58 RCW, in order to: (1) Serve as standards for implementation of the policy of chapter 90.58 RCW for regulations of uses of the shorelines; and

(2) Provide criteria to local governments and the department of ecology in developing master programs. [Order DE 72-12, § 173-16-010, filed 6/20/72 and 7/20/72.]

WAC 173-16-020 Applicability. The provisions of this chapter shall apply state-wide to all shorelines and shorelines of state-wide significance as defined in chapter 90.58 RCW and WAC 173-16-030. [Order DE 72-12, § 173-16-020, filed 6/20/72 and 7/20/72.]

WAC 173-16-030 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Act" means Shoreline Management Act of 1971, chapter 90.58 RCW.

(2) "Department" means state of Washington, department of ecology.

(3) "Development" means a use, consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any state of water level.

(4) "Director" means the director of the department of ecology.

(5) "Extreme low tide" means the lowest line on the land reached by a receding tide.

(6) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.

(7) "Hearings board" means the shorelines hearings board established by the act.

(8) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to the Shoreline Act of 1971.

(9) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.

(10) "Ordinary high-water mark" means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

(11) "Permit" means that required by the act for substantial development on shorelines, to be issued by the local government entity having administrative jurisdiction and subject to review by the department of ecology and the attorney general.

(12) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

(a) Shorelines of state-wide significance;

(b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and

(c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

(13) "Shorelines of state-wide significance" means the following shorelines of the state:

(a) The area between the ordinary high-water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(b) Those areas of Puget Sound and adjacent saltwaters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide as follows:

(i) Nisqually Delta – from DeWolf Bight to Tatsolo Point;

(ii) Birch Bay – from Point Whitehorn to Birch Point;

(iii) Hood Canal – from Tala Point to Foulweather Bluff;

(iv) Skagit Bay and adjacent area – from Brown Point to Yokeko Point; and

(v) Padilla Bay – from March Point to William Point.

(c) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;

(d) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres, or more, measured at the ordinary high-water mark;

(e) Those natural rivers or segments thereof, as follows:

(i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more;

(ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;

(f) Those wetlands associated with (a) through (e) above.

(14) "Shorelines of the state" means the total of all "shorelines" and "shorelines of state–wide significance" within the state.

(15) "State master program" means the cumulative total of all master programs approved or adopted by the department of ecology.

(16) "Substantial development" means any development of which the total cost, or fair market value, exceeds $1,000, or any development which materially interferes with normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments:

(a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;

(b) Construction of the normal protective bulkhead, common to single–family residences;

(c) Emergency construction necessary to protect property from damage by the elements;

(d) Construction of a barn or similar agricultural structure on wetlands;

(e) Construction or modification of navigational aids, such as channel markers and anchor buoys;

(f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single–family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.

(17) "Wetlands" or "wetland areas" means those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high–water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the act. [Order DE 72–12, § 173–16–030, filed 6/20/72 and 7/20/72.]

WAC 173–16–040 The master program. The master program is to be developed by local government to provide an objective guide for regulating the use of shorelines. The master program should clearly state local policies for the development of shorelands and indicate how these policies relate to the goals of the local citizens and to specific regulations of uses affecting the physical development of land and water resources throughout the local governments' jurisdiction.

The master program developed by each local government will reflect the unique shoreline conditions and the development requirements which exist and are projected in that area. As part of the process of master program development, local governments can identify problems and seek solutions which best satisfy their needs.

A master program, by its definition, is general, comprehensive and long–range in order to be applicable to the whole area for a reasonable length of time under changing conditions.

"General" means that the policies, proposals and guidelines are not directed towards any specific sites.

"Comprehensive" means that the program is directed towards all land and water uses, their impact on the environment and logical estimates of future growth. It also means that the program shall recognize plans and programs of the other government units, adjacent jurisdictions and private developers.

"Long–range" means that the program is to be directed at least 20–to–30 years into the future, look beyond immediate issues, and follow creative objectives rather than a simple projection of current trends and conditions.

Finally, chapter 90.58 RCW requires that the master program shall constitute use regulations for the various shorelines of the state. Specific guidelines are outlined in RCW 90.58.100(1) for preparing the master programs to accomplish this purpose. It is the intention of these guidelines, especially those related to citizen involvement, and the inventory to aid in carrying out this section of the act.

To facilitate an effective implementation of chapter 90.58 RCW throughout the state, the procedures on the following pages shall be observed while developing master programs for the shorelines. Exceptions to some of the specific provisions of these guidelines may occur where unique circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the Shoreline Management Act as enunciated in RCW 90.58.020. Further, in all cases, local governments must meet the master program requirements specified in the Shoreline Management Act of 1971.

The following provisions set forth guidelines as to citizen involvement. (1) Citizen involvement. While public involvement and notification is required of the master program at the time of adoption by the act, the general public must be involved in the initial planning stage during formulation of the master plan.

The act requires that prior to approval or adoption of a master program, or a portion thereof, by the department, at least one public hearing shall be held in each county affected by the program for the purpose of obtaining the views and comments of the public.

The act charges the state and local government with not only the responsibility of making reasonable efforts to inform the people of the state about the shoreline management program, but also actively encourages participation by all persons, private groups, and entities, which have an interest in shoreline management.

To meet these responsibilities, the local government agencies responsible for the development of the master program should establish a method for obtaining and utilizing citizen involvement. The extent of citizen involvement in the formulation of the master program will be considered by the department in the review of the program. A failure by the local government to encourage and utilize citizen involvement, or to justify not having done so, may be noted as a failure to comply with the act.

Though the department recognizes various forms of citizen involvement as viable approaches for involving the public in the master program, the local government will be encouraged to utilize the method as suggested in these guidelines. If a local government does not followed these guidelines, it should provide an explanation of the

method used. The department will be available to explain and help organize the suggested approach to citizen involvement upon request.

The suggested approach to citizen involvement to be utilized by the local government agency responsible for the development of the master program includes the following:

(a) Appoint a citizen advisory committee whose function will be to guide the formulation of the master program through a series of public evening meetings and at least one public hearing. The committee members should represent both commercial interests as well as environmentalists. However, the advisory committee itself is not to be a substitute for general citizen involvement and input. The aim of the committee will be to utilize citizen input in:

(i) Studying existing public policies related to shorelines.

(ii) Defining the needs to satisfy local demands for shorelines.

(iii) Studying the type and condition of local shorelines relative to needs.

(iv) Developing goals and policies for the master program with the local government fulfilling the specifications of the master program, including designation of the environments.

(v) Identifying use conflicts.

(vi) Proposing alternatives for the use of shorelines.

(vii) Examining the effects of the master program on the environment.

(b) The citizen advisory committee should hold at least three public meetings during development of the master program and designation of the environments according to the following guidelines:

(i) Public notice (as stated in subsection 1 below) must be provided seven days prior to the evening meeting.

(ii) All meetings must be open to the public for free discussion.

(iii) Meetings should be held in the evening at a location accessible to the general public.

(iv) Record of all meetings should be filed with the local government and made available to the public.

(v) Local government should provide resource persons to assist in the preparation, organization and diffusion of information.

(vi) The final evening meeting should be held at least seven days prior to the public hearing.

(c) A newsletter should be published by the advisory committee in cooperation with the local government.

(i) The information sheet should be available to the public at posted locations.

(ii) It should be available after the first evening public meeting and prior to the second.

(iii) The date, time, and location of future meetings and hearings should be stated.

(iv) A phone number should be provided to obtain further information.

(v) Public notice should be made of the availability of the newsletter as stated in subsection (d) below.

(d) Publicity of the master program should utilize:

(i) Public notice postings as per subsection (i) below.

(ii) Newsletter.

(iii) Radio, T.V. and local news media.

(iv) A local paper of general circulation.

(v) Announcements to community groups.

(e) At least one public hearing should be held by the local government after the three public meetings have been held to discuss the proposed master plan.

(i) Public notice (as stated in subsection (i) below) must be made a minimum of once in each of three weeks immediately preceding the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held.

(ii) The master program should be available for public inspection at the local government office and available upon request at least seven days prior to the public hearing.

(f) Prior to adoption of the master program, all reasonable attempts should have been made to obtain a general concurrence of the public and the advisory committee. The method of obtaining or measuring concurrence must be established by the local government and must provide a clear indication of how citizen input is utilized.

(g) If the level of concurrence on the master program is not considered adequate by the advisory committee at the conclusion of the public hearing, the local government should hold subsequent public meetings and public hearings until such time as adequate concurrence as per subsection (f) above is reached.

(h) Attached to the master program upon its submission to the department of ecology shall be a record of public meetings and citizen involvement. A discussion of the use of citizen involvement and measurement on concurrence should be included.

(i) Public notice shall include:

(i) Reference to the authority under which the rule is proposed.

(ii) A statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(iii) The time, place and manner in which interested persons may present their views thereon (as stated in RCW 30.04.025)).

(2) Policy statements. Each local government shall submit policy statements, developed through the citizen involvement process, regarding shoreline development as part of its master program. Because goal statements are often too general to be useful to very specific decision problems, the policy statements are to provide a bridge for formulating and relating use regulations to the goals also developed through the citizen involvement process. In summary, the policy statements must reflect the intent of the act, the goals of the local citizens, and specifically relate the shoreline management goals to the master program use regulations.

Clearly stated policies are essential to the viability of the master programs. The policy statements will not only support the environmental designations explained below, but, also being more specific than goal statements, will provide an indication of needed environmental designations and use regulations.

The following methodology for developing policy statements is recommended:

(a) Obtain a broad citizen input in developing policy by involving interested citizens and all private and public entities having interest or responsibilities relating to shorelines. Form a citizen advisory committee and conduct public meetings as outlined in WAC 173-16-040(1) to encourage citizens to become involved in developing a master program.

(b) Analyze existing policies to identify those policies that may be incorporated into the master program and those which conflict with the intent of the act. Further, identify constraints to local planning and policy implementation which are a result of previous government actions, existing land-use patterns, actions of adjacent jurisdictions or other factors not subject to local control or influence.

(c) Formulate goals for the use of shoreline areas and develop policies to guide shoreland activities to achieve these goals.

The policies should be consistent with RCW 90.58-.020 and provide guidance and support to local government actions regarding shoreline management. Additionally, the policies should express the desires of local citizens and be based on principles of resource management which reflect the state-wide public interest in all shorelines of state-wide significance.

(3) Master program elements. Consistent with the general nature of master programs, the following land and water use elements are to be dealt with, when appropriate, in the local master programs. By dealing with shoreline uses, systematically as belonging to these generic classes of activities, the policies and goals in the master programs can be clearly applied to different shoreline uses. In the absence of this kind of specificity in the master programs, the application of policy and use regulations could be inconsistent and arbitrary.

The plan elements are:

(a) Economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

(b) Public access element for assessing the need for providing public access to shoreline areas.

(c) Circulation element for assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shoreline use elements.

(d) Recreational element for the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

(d) Shoreline use element for considering:

(i) The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources.

(ii) The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.

(f) Conservation element for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

(g) Historical/cultural element for protection and restoration of buildings, sites and areas having historic cultural, educational or scientific values.

(h) In addition to the above-described elements, local governments are encouraged to include in their master programs, an element concerned with the restoration of areas to a natural useful condition which are blighted by abandoned and dilapidated structures. Local governments are also encouraged to include in their master programs any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to effectuate the Shoreline Management Act.

(4) Environments. In order to plan and effectively manage shoreline resources, a system of categorizing shoreline areas is required for use by local governments in the preparation of master programs. The system is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. To accomplish this, the environmental designation to be given any specific area is to be based on the existing development pattern, the biophysical capabilities and limitations of the shoreline being considered for development and the goals and aspirations of local citizenry.

The recommended system classifies shorelines into four distinct environments (natural, conservancy, rural and urban) which provide the framework for implementing shoreline policies and regulatory measures.

This system is designed to encourage uses in each environment which enhance the character of that environment. At the same time, local government may place reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment.

The basic intent of this system is to utilize performance standards which regulate use activities in accordance with goals and objectives defined locally rather than to exclude any use from any one environment. Thus, the particular uses or type of developments placed in each environment must be designed and located so that there are no effects detrimental to achieving the objectives of the environment designations and local development criteria.

This approach provides an "umbrella" environment class over local planning and zoning on the shorelines. Since every area is endowed with different resources, has different intensity of development and attaches different social values to these physical and economic characteristics, the environment designations should not be regarded as a substitute for local planning and land-use regulations.

(a) The basic concept for using the system is for local governments to designate their shorelines into environment categories that reflect the natural character of the

shoreline areas and the goals for use of characteristically different shorelines. The determination as to which designation should be given any specific area should be made in the following manner:

(i) The resources of the shoreline areas should be analyzed for their opportunities and limitations for different uses. Completion of the comprehensive inventory of resources is a requisite to identifying resource attributes which determine these opportunities and limitations.

(ii) Each of the plan elements should be analyzed for their effect on the various resources throughout shoreline areas. Since shorelines are only a part of the system of resources within local jurisdiction, it is particularly important that planning for shorelines be considered an integral part of area–wide planning. Further, plans, policies and regulations for lands adjacent to the shorelines of the state should be reviewed in accordance with RCW 90.58.340.

(iii) Public desires should be considered through the citizen involvement process to determine which environment designations reflect local values and aspirations for the development of different shoreline areas.

(b) The management objectives and features which characterize each of the environments are given below to provide a basis for environment designation within local jurisdictions.

(i) Natural environment. The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use. Such features should be defined, identified and quantified in the shoreline inventory. The relative value of the resources is to be based on local citizen opinion and the needs and desires of other people in the rest of the state.

(ii) Conservancy environment. The objective in designating a conservancy environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are nonconsumptive of the physical and biological resources of the area. Nonconsumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments should seek to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected. For example, a conservancy environment designation can be used to complement city, county or state plans to legally acquire public access to the water.

The conservancy environment would also be the most suitable designation for those areas which present too sever biophysical limitations to be designated as rural or urban environments. Such limitations would include areas of steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

(iii) Rural environment. The rural environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designation of rural environments should also seek to alleviate pressures of urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities for public use which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner

which will enhance the opportunities for shoreline recreation. Farm management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

(iv) Urban environment. The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high–intensity land–use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water–dependent industrial and commercial uses requiring frontage on navigable waters.

In the master program, priority is also to be given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the urban environment should be accomplished in the master program. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities. Where practicable, various access points ought to be linked to nonmotorized transportation routes, such as bicycle and hiking paths.

(5) Shorelines of state–wide significance. The act designated certain shorelines as shorelines of state–wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, the guidelines and master programs must give preference to uses which favor public and long–range goals.

Accordingly, the act established that local master programs shall give preference to uses which meet the principles outlined below in order of preference. Guidelines for ensuring that these principles are incorporated into the master programs and adhered to in implementing the act follow each principle.

(a) Recognize and protect the state–wide interest over local interest. Development guidelines:

(i) Solicit comments and opinions from groups and individuals representing state–wide interests by circulating proposed master programs for review and comment by state agencies, adjacent jurisdictions' citizen advisory committees, and state–wide interest groups. (See appendix, Reference No. 32).

(ii) Recognize and take into account state agencies' policies, programs and recommendations in developing use regulations. Reference to many of these agencies' policies are provided in the appendix. This information can also be obtained by contacting agencies listed in the *Shoreline Inventory Supplement Number One.*

(iii) Solicit comments, opinions and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management. Names of organizations and individuals which can provide expert advice can be obtained from the department's resource specialist listing.

(b) Preserve the natural character of the shoreline. Development guidelines:

(i) Designate environments and use regulations to minimize man–made intrusions on shorelines.

(ii) Where intensive development already occurs, upgrade and redevelop those areas to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

(iii) Ensure that where commercial timber–cutting is allowed as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practicable.

(c) Result in long–term over short–term benefit. Development guidelines:

(i) Prepare master programs on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of state–wide significance, should be severly limited.

(ii) Evaluate the short–term–economic gain or convenience of developments in relationship to long–term and potentially costly impairments to the natural environment.

(iii) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

(d) Protect the resources and ecology of shorelines. Development guidelines:

(i) Leave undeveloped those areas which contain a unique or fragile natural resource.

(ii) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.

(iii) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

(e) Increase public access to publicly owned areas of the shorelines. Development guidelines:

(i) In master programs, give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to developing upland parking.

(ii) Locate development inland from the ordinary high–water mark so that access is enhanced.

(f) Increase recreational opportunities for the public on the shorelines. Development guidelines:

(i) Plan for and encourage development of facilities for recreational use of the shorelines.

(ii) Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shorelines. [Order DE 72-12, § 173-16-040, filed 6/20/72 and 7/20/72.]

WAC 173-16-050 Natural systems. This section contains brief and general descriptions of the natural geographic systems around which the shoreline management program is designed. The intent of this section is to define those natural systems to which the Shoreline Management Act applies, to highlight some of the features of those systems which are susceptible to damage from human activity, and to provide a basis for the guidelines pertaining to human-use activities contained in WAC 173-16-060.

It is intended that this section will provide criteria to local governments in the development of their master programs, as required in RCW 90.58.030(a).

(1) Marine beaches. Beaches are relatively level land areas which are contiguous with the sea and are directly affected by the sea even to the point of origination. The most common types of beaches in Washington marine waters are:

(a) Sandy beaches. Waves, wind, tide and geological material are the principal factors involved in the formation of beaches. The beach material can usually be traced to one of four possible sources: The cliffs behind the beach; from the land via rivers; offshore wind; and finally from longshore drifting of material. Longshore-drifting material must have been derived initially from the first three sources. Most beach material in Puget Sound is eroded from the adjacent bluffs composed of glacial till.

The effect of wave action on the movement and deposition of beach material varies depending upon the size of the material. Hence, in most cases, beaches composed of different sized material are usually characterized by different slopes and profiles. The entire process of beach formation is a dynamic process resulting from the effect of wave action on material transport and deposition. Initially, wave action will establish currents which transport and deposit material in various patterns. However, once a particular beach form and profile is established it begins to modify the effects of waves thus altering the initial patterns of material transport and deposition. Hence, in building beach structures such as groins, bulkheads or jetties, it is particularly important to recognize that subsequent changes in wave and current patterns will result in a series of changes in beach formation over time. [See WAC 173-16-060(6), (11), (12) and (13)].

In the process of beach formation, sand particles are transported up the beach by breaking waves that wash onto the beach in a diagonal direction and retreat in a vertical direction. At the same time, longshore currents are created in the submerged intertidal area by the force of diagonally approaching waves. Beach material suspended by the force of the breaking waves is transported in one direction or another by the longshore current. Longshore drifting of material often results in the net transportation of beach material in one direction causing the loss of material in some areas and gains in others.

The profile of a beach at any time will be determined by the wave conditions during the preceding period. Severe storms will erode or scour much material away from the beaches due to the force of retreating waves. During calm weather, however, the waves will constructively move material back onto the beach. This destructive and constructive action, called cut and fill, is evidenced by the presence of beach ridges or berms. New ridges are built up in front of those that survive storm conditions as sand is supplied to the beach in succeeding phases of calmer weather. In time, the more stable landward ridges are colonized by successional stages of vegetation. The vegetation stabilizes the ridges, protects them from erosion and promotes the development of soil.

(b) Rocky beaches. Rocky beaches, composed of cobbles, boulders and/or exposed bedrock are usually steeper and more stable than sandy shores. Coarse material is very permeable which allows attacking waves to sink into the beach causing the backwash to be reduced correspondingly. On sandy shores a strong backwash distributes sand more evenly, thus creating a flatter slope.

On rocky shores a zonal pattern in the distribution of plants and animals is more evident than on muddy or sandy shores. The upper beach zone is frequently very dry, limiting inhabitants to species which can tolerate a dry environment. The intertidal zone is a narrow area between mean low tide and mean high tide that experiences uninterrupted covering and uncovering by tidal action. One of the major characteristics of this zone is the occurrence of tidal pools which harbor separate communities which can be considered subzones within the intertidal zone. The subtidal zone is characterized by less stressful tidal influences but is subject to the forces of waves and currents which affect the distribution and kinds of organisms in this zone.

(c) Muddy shores. Muddy shores occur where the energy of coastal currents and wave action is minimal, allowing fine particles of silt to settle to the bottom. The result is an accumulation of mud on the shores of protected bays and mouths of coastal streams and rivers. Most muddy beaches occur in estuarine areas. However, some muddy shore areas may be found in coastal inlets and embayments where salinity is about the same as the adjacent sea.

Few plants have adapted to living on muddy shores. Their growth is restricted by turbidity which reduces light penetration into the water and thereby inhibits photosynthesis. In addition, the lack of solid structures to which algae may attach itself and siltation which smothers plants effectively prevents much plant colonization of muddy shores. While the lack of oxygen in mud makes life for fauna in muddy shores difficult, the abundance of food as organic detritus provides nutrition for a large number of detritus feeders.

(2) Spits and bars. Spits and bars are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hookshaped spits). While spits usually have one end free in open water, bars generally are attached

to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish, to reproduce and live protected from the violence of the open coast. [See WAC 173-16-060(16)].

(3) Dunes. Dunes are mounds or hills of sand which have been heaped up by wind action. Typically, dunes exhibit four distinct features:

(a) Primary dunes. The first system of dunes shoreward of the water, having little or no vegetation, which are intolerant of unnatural disturbances.

(b) Secondary dunes. The second system of dunes shoreward from the water, with some vegetative cover.

(c) Back dunes. The system of dunes behind the secondary dunes, generally having vegetation and some top soil, and being more tolerant of development than the primary and secondary systems.

(d) Troughs. The valleys between the dune systems.

Dunes are a natural levee and a final protection line against the sea. The destructive leveling of, or interference with the primary dune system (such as cutting through the dunes for access) can endanger upland areas by subjecting them to flooding from heavy wave action during severe storms and destroy a distinct and disappearing natural feature. Removal of sand from the beach and shore in dune areas starves dunes of their natural supply of sand and may cause their destruction from lack of sand. [See WAC 173-16-060(16)]. Appropiate vegetation can and should be encouraged throughout the entire system for stabilization. [See WAC 173-16-060(21)].

(4) Islands. An island, broadly defined, is a land mass surrounded by water. Islands are particularly important to the state of Washington since two entire counties are made up of islands and parts of several other counties are islands. A fairly small island, such as those in our Puget Sound and north coast area, is an intriguing ecosystem, in that no problem or area of study can be isolated. Every living and nonliving thing is an integral part of the functioning system. Each island, along with the mystique afforded it by man, is a world of its own, with a biological chain, fragile and delicately balanced. Obviously it does not take as much to upset this balance as it would the mainland system. Because of this, projects should be planned with a more critical eye toward preserving the very qualities which make island environments viable systems as well as aesthetically captivating to humans.

(5) Estuaries. An estuary is that portion of a coastal stream influenced by the tide of the marine waters into which it flows and within which the sea water is measurably diluted with freshwater derived from land drainage.

Estuaries are zones of ecological transition between fresh and saltwater. The coastal brackish water areas are rich in aquatic life, some species of which are important food organisms for anadromous fish species which use these areas for feeding, rearing and migration. An estuarine area left untouched by man is rare since historically they have been the sites for major cities and port developments. Because of their importance in the food production chain and their natural beauty, the limited estuarial areas require careful attention in the planning function. Close scrutiny should be given to all plans for development in estuaries which reduce the area of the estuary and interfere with water flow. [See WAC 173-16-060(14)]. Special attention should be given to plans for upstream projects which could deplete the freshwater supply of the estuary.

(6) Marshes, bogs, swamps. Marshes, bogs and swamps are areas which have a water table very close to the surface of the ground. They are areas which were formerly shallow water areas that gradually filled through nature's processes of sedimentation (often accelerated by man's activities) and the decay of shallow water vegetation.

Although considered abysmal wastelands by many, these wet areas are extremely important to the food chain. Many species of both animal and plant life depend on this wet environment for existence. Birds and waterfowl choose these locations for nesting places. Wet areas are important as ground water recharge areas and have tremendous flood control value.

The high-water table and poor foundation support provided by the organic soils in these areas usually prevent development on them. The extraction of peat from bogs is possible when it is accomplished in such a manner that the surrounding vegetation and wildlife is left undisturbed and the access roads and shorelines are returned to a natural state upon completion of the operation.

The potential of marshes, bogs and swamps to provide permanent open space in urbanizing regions is high because of the costs involved in making these areas suitable for use. Unlimited public access into them, however, may cause damage to the fragile plant and animal life residing there.

(7) Lakes. A lake can be defined broadly as a body of standing water located inland. Lakes originate in several ways. Many lakes are created each year by man, either by digging a lake basin or by damming a natural valley. Natural lakes can be formed in several ways: by glaciers gouging basins and melting and depositing materials in such a way as to form natural dams; by landslides which close off open ends of valleys; extinct craters which fill with water; changes in the earth's crust, as can happen during earthquakes, forming basins which fill with water; or by changes in a river or stream course which isolate parts of the old course forming lakes, called oxbow lakes.

A lake, like its inhabitants, has a life span. This lifetime may be thousands of years for a large lake or just a few years for a pond. This process of a lake aging is known generally as eutrophication. It is a natural process which is usually accelerated by man's activities. Human sewage, industrial waste, and the drainage from agricultural lands increases the nutrients in a lake which in turn increases the growth of algae and other plants. As plants die, the chemical process of decomposition depletes the water's supply of oxygen necessary for fish and other animal life. These life forms then disappear from the lake, and the lake becomes a marsh or swamp.

Shallow lakes are extremely susceptible to increases in the rate of eutrophication resulting from discharges of waste and nutrient-laden runoff waters. Temperature stratification does not normally occur in shallow lakes. Efficient bottom-to-surface circulation of water in these shallow lakes moves nutrients to the surface photosynthetic zone encouraging increased biotic productivity. Large quantities of organic matter are produced under these conditions. Upon decomposition, heavy demands are made on the dissolved oxygen content of shallow lakes. Eventually, the oxygen level drops and some fish and other life forms die.

The entire ecosystem of a lake can be altered by man. By removing the surrounding forest for lumber or to provide a building site or farm land, erosion into the lake is accelerated. Fertilizers, whether agricultural or those used by homeowners, can enter the lake either from runoff or leaching along with other chemicals that interfere with the intricate balance of living organisms. The construction of bulkheads to control erosion and filling behind them to enlarge individual properties can rob small fish and amphibians of their habitats. The indiscriminate construction of piers, docks and boathouses, can deprive all of the waterfront owners and the general public of a serene natural view and reduce the lake's surface. [See WAC 173-16-060(5), (8), (11), (12), (13)].

(8) Rivers, streams and creeks. Generally, rivers, streams and creeks can be defined as surface-water runoff flowing in a natural or modified channel. Runoff results either from excessive precipitation which cannot infiltrate the soil, or from ground water where the water table intersects the surface of the ground. Drawn by gravity to progressively lower levels and eventually to the sea, the surface runoff organizes into a system of channels which drain a particular geographic area.

The drainage system serves as a transportation network for nature's leveling process, selectively eroding materials from the higher altitudes and transporting the materials to lower elevations where they are deposited. A portion of these materials eventually reaches the sea where they may form beaches, dunes or spits.

Typically, a river exhibits several distinct stages as it flows from the headwaters to the mouth. In the upper reaches where the gradient is steepest, the hydraulic action of the flowing water results in a net erosion of the stream bed and a V-shaped cross section, with the stream occupying all or most of the valley floor.

Proceeding downstream, the gradient decreases and the valley walls become gentler in slope. A point is eventually reached where erosion and deposition equalize and the action of the stream changes from vertical cutting to lateral meandering. As the lateral movement continues, a flood plain is formed, over which the river meanders and upon which materials are deposited during floods. Finally, when the river enters a body of standing water, the remaining sediment load is deposited.

Extensive human use is made of rivers, including transportation, recreation, waste and sewage dumping and for drinking water. Rivers are dammed for the production of electric power, diked for flood control and withdrawn for the irrigation of crops. Many of these activities directly affect the natural hydraulic functioning of the streams and rivers as well as the biology of the water courses. [See WAC 173-16-060(17)].

(9) Flood plains. A flood plain is a shoreland area which has been or is subject to flooding. It is a natural corridor for water which has accumulated from snow melt or from heavy rainfall in a short period. Flood plains are usually flat areas with rich soil because they have been formed by deposits from flood waters. As such they are attractive places for man to build and farm until the next flood passes across the plain. In certain areas, these plains can be "flood proofed" by diking or building levees along the adjacent river or stream, but always with provisions for tremendous amounts of water that will sooner or later be generated by weather conditions. Streamway modifications can be placed in such a way to cause channelization. Channelization tends to destroy the vital and fragile flood-plain-shoreline habitats and increase the velocity of waters in times of extreme flow. [See WAC 173-16-060(17)].

This may cause considerable damage downstream even in areas already given some flood protection. In unprotected flood plains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Obviously, structures which must be built on a flood plain should be of a design to allow the passage of water and, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the flood plain.

(10) Puget Sound. Puget Sound is a complex of interconnected inlets, bays and channels with tidal sea water entering from the west and freshwater streams entering at many points throughout the system. Most of what is known as Puget Sound was formed by glacial action that terminated near Tenino in Thurston County. The entire system, of which Puget Sound is actually a small portion, also includes the Strait of Georgia and the Strait of Juan de Fuca. The large complex may be divided into nine oceanographic areas which are interrelated: Strait of Juan de Fuca, Admiralty Inlet, Puget Sound Basin, Southern Puget Sound, Hood Canal, Possession Sound, Bellingham Bay, San Juan Archipelago, and Georgia Strait (from *Puget Sound and Adjacent Waters, Appendix XV, Plan Formulation*).

The economic development of the central Puget Sound Basin has been stimulated by the fact that the sound is one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep-draft vessels is on the increase due to its proximity to the developing Asian countries. This increased trade will attract more industry and more people which will put more use pressure on the Sound in the forms of recreation (sport fishing, boating and other water-related sports) and the requirements for increased food supply.

Puget Sound waters are rich in nutrients and support a wide variety of marine fish and shellfish species. An estimated 2,820 miles of stream are utilized by anadromous fish for spawning and rearing throughout the area.

Some of these fish are chinook, coho, sockeye, pink and chum salmon, steelhead, searun cutthroat and Dolly Vardon trout. All these fish spend a portion of their lives in the saltwaters of Puget Sound and the Pacific Ocean before returning to streams of origin to spawn. The juveniles of these fish spend varying amounts of time in the shore waters of the area before moving to sea to grow to maturity. Aquaculture or sea farming is now in the process of becoming reality in the Puget Sound complex. The mass production of seaweed, clams, geoducks, scallops, shrimp, oysters, small salmon, lobsters and other possibilities looms as an important new industry. Shoreline management is particularly crucial to the success of sea farming. Aquaculture on any scale can be compatible and coexist with maritime shipping and shoreland industrial activities only be careful planning and regulation.

The shoreline resources of Puget Sound include few beach areas which are not covered at high tide. Bluffs ranging from 10 to 500 feet in height rim nearly the entire extent of the Sound making access to beach and intertidal areas difficult. Because of the glacial–till composition of these bluffs, they are susceptible to fluvial and marine erosion and present constant slide hazards. Although Puget Sound is protected from the direct influence of Pacific Ocean weather, storm conditions can created very turbulent and sometimes destructive wave action. Without recognizing the tremendous energy contained in storm waves, development of shoreline resources can be hazardous and deleterious to the resource characteristics which make Puget Sound beaches attractive. [WAC 173–16–060(11), (12), (13)].

(11) Pacific Ocean. From Cape Flattery on the north to Cape Disappointment on the south, there are approximately 160 miles of beaches, rocky headlands, inlets and estuaries on Washington's Pacific Coast. The shoreline south of Cape Flattery to the Quinault River is generally characterized as being rugged and rocky, with high bluffs. The remaining shoreline south of the Quinault River is predominantly flat sandy beaches with low banks and dunes.

During the winter, Pacific currents set toward the north, while during summer months they set to the south. Associated with the summer currents is a general offshore movement of surface water, resulting in upwelling of water from lower depths. This upwelled water is cold, high in salinity, low in oxygen content and rich in nutrients. It is this latter characteristic which causes upwelled water to be extremely significant in biological terms, since it often triggers "blooms" of marine plant life.

Directions of wave action and littoral drift of sediments shift seasonally with Pacific Ocean storms. Although very little data are available on the net direction of littoral transport, the University of Washington has offshore data which indicate a northerly offshore flow. RCW 43.51.650 declares:

"The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today." (See Appendix Reference Nos. 30 and 31). [Order DE 72–12, § 173–16–050, filed 6/20/72 and 7/20/72.]

WAC 173–16–060 The use activities. This section contains guidelines for the local regulation of use activities proposed for shorelines. Each topic, representing a specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based until master programs are completed. In addition, these guidelines are intended to provide the basis for the development of that portion of the master program concerned with the regulation of such uses.

In addition to application of the guidelines in this section, the local government should identify the type or types of natural systems (as described in WAC 173–16–050) within which a use is proposed and should impose regulations on those developments and uses which would tend to affect adversely the natural characteristics needed to preserve the integrity of the system. Examples would include but would not be limited to proposed uses that would threaten the character of fragile dune areas, reduce water tables in marshes, impede water flow in estuaries, or threaten the stability of spits and bars.

These guidelines have been prepared in recognition of the flexibility needed to carry out effective local planning of shorelines. Therefore, the interpretation and application of the guidelines may vary relative to different local conditions. Exceptions to specific provisions of these guidelines may occur where local circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the act as enunciated in RCW 90.58.020.

It should be noted that there are several guidelines for certain activities which are not explicitly defined in the shoreline act as developments for which substantial development permits are not required (for example, the suggestion that a buffer of permanent vegetation be maintained along water bodies in agriculture areas). While such activities generally cannot be regulated through the permit system, it is intended that they be dealt with in the comprehensive master program in a

manner consistent with policy and intent of the Shoreline Act. To effectively provide for the management of the shorelines of the state, master programs should plan for and foster all reasonable and appropriate uses as provided in RCW 90.58.020.

Finally, most of the guidelines are intentionally written in general terms to allow some latitude for local government to expand and elaborate on them as local conditions warrant. The guidelines are adopted state regulations, however, and must be complied with both in permit application review and in master program development.

(1) Agricultural practices. Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized. Guidelines:

(a) Local governments should encourage the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies which will retard surface runoff and reduce siltation.

(b) Master programs should establish criteria for the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stock piles of manure solids in shorelines of the state so that water areas will not be polluted. Control guidelines prepared by the U.S. Environmental Protection Agency should be followed. (Also see Reference Nos. 3, 4, 5, 6, 7 and 8).

(c) Local governments should encourage the use of erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture.

(2) Aquaculture. Aquaculture (popularly known as fish farming) is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, and, in marine waters, salinity. The technology associated with present–day aquaculture is still in its formative stages and experimental. Guidelines for aquaculture should therefore recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems. Guidelines:

(a) Aquacultural enterprises should be located in areas where the navigational access of upland owners and commercial traffic is not significantly restricted.

(b) Recognition should be given to possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.

(c) As aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on underwater structures which do not interfere with navigation or impair the aesthetic quality of Washington shorelines.

(3) Forest management practices. Forest management practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulate the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water. Guidelines:

(a) Seeding, mulching, matting and replanting should be accomplished where necessary to provide stability on areas of steep slope which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged area.

(b) Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.

(c) Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded.

(d) Proper road and bridge design, location and construction and maintenance practices should be used to prevent development of roads and structures which would adversely affect shoreline resources.

(e) Timber harvesting practices in shorelines of the state should be conducted to maintain the state board of health standards for public water supplies. (See Reference No. 34).

(f) Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

(g) Local governments should ensure that timber harvesting on shorelines of state–wide significance does not exceed the limitations established in RCW 90.58.150 except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

(h) Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

(4) Commercial development. Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high–rise office buildings. Commercial developments are intensive users of space because of extensive floor areas

and because of facilities, such as parking, necessary to service them. Guidelines:

(a) Although many commercial developments benefit by a shoreline location, priority should be given to those commercial developments which are particularly dependent on their location and/or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

(b) New commercial developments on shorelines should be encouraged to locate in those areas where current commercial uses exist.

(c) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

(d) Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.

(5) Marinas. Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: the open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish and shellfish habitats. Guidelines:

(a) In locating marinas, special plans should be made to protect the fish and shellfish resources that may be harmed by construction and operation of the facility.

(b) Marinas should be designed in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with adjacent areas.

(c) Master programs should identify locations that are near high-use or potentially high-use areas for proposed marina sites. Local as well as regional "need" data should be considered as input in location selection.

(d) Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

(e) Shallow-water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.

(f) The Washington state department of fisheries has prepared guidelines concerning the construction of marinas. These guidelines should be consulted in planning for marinas. (See Reference No. 16).

(g) State and local health agencies have standards and guidelines for the development of marinas which shall be consulted by local agencies. (See Reference No. 18).

(6) Mining. Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes. Guidelines:

(a) When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.

(b) Excavations for the production of sand, gravel and minerals should be done in conformance with the Washington State Surface Mining Act. (See Reference No. 20).

(c) Local governments should strictly control or prohibit the removal of sand and gravel from marine beaches.

(d) When removal of sand and gravel from marine beaches is permitted by existing legislation, it should be taken from the least sensitive biophysical areas of the beach.

(7) Outdoor advertising, signs and billboards. Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

(a) Off-premise outdoor advertising signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.

(b) Master programs should establish size, height, density, and lighting limitations for signs.

(c) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

(d) Outdoor advertising signs (where permitted under local regulations) should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).

(e) When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

(8) Residential development. The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision. Guidelines:

(a) Subdivisions should be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

(b) Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.

(c) Subdividers should be encouraged to provide public pedestrian access to the shorelines within the subdivision.

(d) Residential development over water should not be permitted.

(e) Floating homes are to be located at moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for floating homes, local governments should ensure that waste disposal practices meet local and state health regulations, that the homes are not located over highly productive fish food areas, and that the homes are located to be compatible with the intent of the designated environments.

(f) Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

(g) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

(h) Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.

(9) Utilities. Utilities are services which produce and carry electric power, gas, sewage, communications and oil. At this time the most feasible methods of transmission are the lineal ones of pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment. Guidelines:

(a) Upon completion of installation/maintenance projects on shorelines, banks should be restored to preproject configuration, replanted with native species and provided maintenance care until the newly planted vegetation is established.

(b) Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

(c) To the extent feasible, local government should attempt to incorporate major transmission line right of ways on shorelines into their program for public access to and along water bodies.

(d) Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.

The Washington State Thermal Power Plant Siting Law (chapter 80.50 RCW) regulates the location of electrical generating and distribution facilities. Under this law, the state preempts the certification and regulation of thermal power plant sites and thermal power plants. (See Reference No. 28).

(10) Ports and water-related industries. Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Guidelines:

(a) Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.

(b) Port facilities should be designed to permit viewing of harbor areas from view points, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

(c) Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreline as possible.

(d) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

(e) Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.

(f) Master program planning should be based on a recognition of the regional nature of port services. Prior to allocating shorelands for port uses, local governments should consider state-wide needs and coordinate planning with other jurisdictions to avoid wasteful duplication of port services within port-service regions.

(g) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities must be considered a major factor determining the environmental compatibility of such facilities.

(11) Bulkheads. Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean-exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, and in many cases are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures.

The following guidelines apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfill must comply with the guidelines for that specific activity. Guidelines:

(a) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.

(b) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish

habitats. Open-piling construction is preferable in lieu of the solid type.

(c) Consider the effect of a proposed bulkhead on public access to publicly owned shorelines.

(d) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.

(e) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead. Landfill operations should satisfy the guidelines under WAC 173-16-060(14).

(12) Breakwaters. Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus protect the shore immediately behind them. They also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present construction methods in many areas. Guidelines:

(a) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.

(b) Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.

(c) The restriction of the public use of the water surface as a result of breakwater construction must be recognized in the master program and must be considered in granting shoreline permits for their construction.

(13) Jetties and groins. Jetties and groins are structures designed to modify or control sand movement. A jetty is generally employed at inlets for the purpose of navigation improvements. When sand being transported along the coast by waves and currents arrives at an inlet, it flows inward on the flood tide to form an inner bar, and outward on ebb tide to form an outer bar. Both formations are harmful to navigation through the inlet.

A jetty is usually constructed of steel, concrete or rock. The type depends on foundation conditions and wave, climate and economic considerations. To be of maximum aid in maintaining the navigation channel, the jetty must be high enough to completely obstruct the sand stream. The adverse effect of a jetty is that sand is impounded at the updrift jetty and the supply of sand to the shore downdrift from the inlet is reduced, thus causing erosion.

Groins are barrier-type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement along a shore.

Groins can be constructed in many ways using timber, steel, concrete or rock, but can be classified into basic physical categories as high or low, long or short, and permeable or impermeable.

Trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity. Guidelines:

(a) Master programs must consider sand movement and the effect of proposed jetties or groins on that sand movement. Provisions can be made to compensate for the adverse effects of the structures either by artificially transporting sand to the downdrift side of an inlet with jetties, or by artificially feeding the beaches in case of groins.

(b) Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to the design of these structures which will not detract from the aesthetic quality of the shoreline.

(14) Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area. Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems and diminish the existing water surface. Guidelines:

(a) Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to adjacent life, property, and natural resources systems.

(b) All perimeters of fills should be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.

(c) Fill materials should be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or the disposal of solid waste.

(d) Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

(15) Solid waste disposal. Generally, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance-free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota. Guidelines:

(a) Local master programs and use regulations must be consistent with approved county or multicounty comprehensive solid waste management plans and regulations of jurisdictional health agencies.

(b) Local governments must regulate sanitary landfills and solid waste handling in accordance with regulations

for solid waste handling when adopted by the department of ecology. New regulations restricting sanitary landfills within any water course and within flood plains of any water course have been proposed for adoption by the department.

(16) Dredging. Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it, often resulting in problems of water quality. Guidelines:

(a) Local governments should control dredging to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials.

(b) Local master programs must include long–range plans for the deposit and use of spoils on land. Spoil deposit sites in water areas should also be identified by local government in cooperation with the state departments of natural resources, game and fisheries. Depositing of dredge material in water areas should be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.

(c) Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

(17) Shoreline protection. Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Guidelines:

(a) Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.

(b) Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.

(c) Flood protection measures which result in channelization should be avoided.

(18) Road and railroad design and construction. A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water–oriented vistas, expose soils to erosion and retard the runoff of flood waters. Guidelines:

(a) Whenever feasible, major highways, freeways and railways should be located away from shorelands, except in port and heavy industrial areas, so that shoreland roads may be reserved for slow–moving recreational traffic.

(b) Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.

(c) All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.

(d) Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.

(e) Scenic corridors with public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provision should be made for sufficient view points, rest areas and picnic areas in public shorelines.

(f) Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds.

(g) Since land–use and transportation facilities are so highly interrelated, the plans for each should be coordinated. The designation of potential high–use areas in master programs should be done after the environmental impact of the transportation facilities needed to serve those areas have been assessed.

(19) Piers. A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usuable water surface. Guidelines:

(a) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.

(b) Open–pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.

(c) Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.

(d) Master programs should address the problem of the proliferation of single–purpose private piers and should establish criteria for their location, spacing, and length. The master programs should also delimit geographical areas where pile piers will have priority over floating docks.

(e) In providing for boat docking facilities in the master program, local governments should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.

(20) Archeological areas and historic sites. Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on

shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:

(a) In preparing shoreline master programs, local governments should consult with professional archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.

(b) Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.

(c) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations.

(d) The National Historic Preservation Act of 1966 and chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture. The state legislation names the director of the Washington state parks and recreation commission as the person responsible for this program.

(21) Recreation. Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. Water–related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a lake, river or saltwater area. Guidelines:

(a) Priority will be given to developments, other than single–family residences which are exempt from the permit requirements of the act, which provide recreational uses and other improvements facilitating public access to shorelines.

(b) Access to recreational locations such as fishing streams and hunting areas should be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.

(c) Master programs should encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.

(d) Attention should be directed toward the effect the development of a recreational site will have on the environmental quality and natural resources of an area.

(e) Master programs should develop standards for the preservation and enhancement of scenic views and vistas.

(f) To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods. Automobile traffic on beaches, dunes and fragile shoreland resources should be discouraged.

(g) Recreational developments should be of such variety as to satisfy the diversity of demands from groups in nearby population centers.

(h) The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.

(i) Facilities for intensive recreational activities should be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses. (See Reference No. 35).

(j) In locating proposed recreational facilities such as playing fields and golf courses and other open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. If this type of facility is approved on a shoreline location, provision should be made for protection of water areas from drainage and surface runoff.

(k) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft and ocean beaches which should be consulted by local governments in preparing use regulations and issuing permits. (See Reference Nos. 30, 31, 35, 36, 37). [Order DE 72–12, § 173–16–060, filed 6/20/72 and 7/20/72.]

WAC 173–16–070 Variances and conditional uses. The act states that each local master program shall contain provisions covering conditional uses and variances. Any permit for a variance or a conditional use granted to local government under approved master programs must be submitted to the department for approval or disapproval.

This provision of the act should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

(1) Conditional uses. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses.

Uses classified as conditional uses can be permitted only after consideration by the local government and by meeting such performance standards that make the use compatible with other permitted uses within that area.

Conditional use permits will be granted only after the applicant can demonstrate all of the following:

(a) The use will cause no unreasonably adverse effects on the environment or other uses.

(b) The use will not interfere with public use of public shorelines.

(c) Design of the site will be compatible with the surroundings and the Master Program.

(d) The proposed use will not be contrary to the general intent of the master program.

(2) Variances. Variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the master program. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for variance. A variance will be granted only after the applicant can demonstrate the following:

(a) The hardship which serves as basis for granting of variance is specifically related to the property of the applicant.

(b) The hardship results from the application of the requirements of the act and master program and not from, for example, deed restrictions or the applicant's own actions.

(c) The variance granted will be in harmony with the general purpose and intent of the master program.

(d) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied. [Order DE 72-12, § 173-16-070, filed 6/20/72 and 7/20/72.]

WAC 173-16-200 Appendix

Agricultural Practices

1. Chapter 15.57 RCW, Washington Pesticide Act. Formulation, distribution and sale of agricultural pesticides.
2. Chapter 17.21 RCW, Washington Pesticide Application Act. Application equipment, licensing, records, handling of and enforcement.
3. Agricultural Extension Service, Washington State University, Pullman, June 1964, *Cattle Manure Handling and Disposal.*
4. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, October, 1965, *Guideline for Sanitary Handling of Animal Manure.*
5. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1969, *Guidelines for Handling Animal Wastes as Related to Water and Air Pollution Control.*
6. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1971, *The Stockman's Role in Water Pollution Control.*
7. Eric B. Wilson, University of Idaho, A Pacific Northwest Cooperative Extension Publication, PNW Bulletin 53, January 1963, *Your Feedlot – Build It — Mechanize It.*
8. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1971, *Livestock Waste Management Guidelines.*

Forest Management Practices

9. Chapter 76.04 RCW, Forest protection, fire and burning control, permits and enforcement.
10. Anonymous, Pacific Northwest Cooperative Extension Publication, March 1971, *Building Woodland Roads*, distributed by Washington State University Cooperative Extension Service, College of Agriculture.
11. State of Washington Departments of Fisheries, Game and Natural Resources, *Agreement*, related to management of projects affecting land and fisheries resources.
12. Pacific Northwest Pollution Control Council, Task Force Report, August 1971, *Log Storage and Rafting in Public Waters.*

Aquaculture

13. Chapter 75.16 RCW, Food fish and shellfish conservation and propagation.
14. Chapter 248-58 WAC, State Board of Health, Shellfish.

Archeological Areas and Historic Sites

15. RCW 43.51.750-43.51.820, Preservation of sites and funding requirements.

Bulkheads and Breakwaters

16. Washington State Department of Fisheries, criteria governing the design of bulkheads, landfills and marinas.

Landfill

17. *Wilbour v. Gallagher* 77 Wn.2d 306, 462 P.2d 232 (1969).
See Bulkheads, this page.

Marinas

See Bulkheads, this page.

18. Chapter 248-148 WAC, Marinas (to be adopted).

Mining

19. RCW 43.51.685, Accreted lands, sale of sand and lease and removal permits.
20. Chapter 78.44 RCW, Surface Mining Act. Reclamation requirements, site inspection and permits.

Outdoor Advertising

21. Chapter 47.42 RCW, Highway Advertising Control Act. Sign locations, scenic areas and permits.

Residential Development

22. *Bach v. Sarich.* 74 Wn.2d 575, 445 P.2d 648 (1968).

23. Washington State Department of Social and Health Services, Health Services Division, "Standards for Individual Sewage Waste Disposal System."

24. U.S. Department of Agriculture, Soil Conservation Service, June 1967, *Know the Soil You Build On*, Bulletin No. 320.

25. U.S. Department of Agriculture, Soil Conservation Service, (September 1968) *Soil Conservation*, "Soil and Water Conservation in Suburbia" reprints available.

26. WAC 248-50-100 State Board of Health Regulation, Disposal of Human Excreta.

27. Chapter 248-96 WAC, State Board of Health Regulation, Individual Sewage Disposal (to be adopted).

Utilities

28. Chapter 80.50 RCW, Thermal Power Plants – Site Locations.

29. Ports and Water Related Industries, Washington Department of Natural Resources, Proposed Harbor Area Guidelines.

Pacific Ocean Beaches

30. RCW 79.16.160 Declared a Public Highway.

31. RCW 79.16.172 Declared a Public Recreation Area.

Environmental Impacts

32. Chapter 43.21C RCW, Washington State Environmental Policy Act of 1971 requires all branches of government to include in every recommendation or report on proposals for legislation and other major actions significantly affecting the environment, a detailed statement by the responsible official on the environmental impact of the proposed action.

Public Health, State Board of Health

33. WAC 248-50-140 Stagnant Water

34. Chapter 248-54 WAC, Public Water Supplies

35. Chapter 248-72 WAC, Camps and Parks

36. Chapter 248-92 WAC, Public Sewage Disposal

37. Chapter 248-98 WAC, Swimming Pools, Bathing Beaches and Wading Pools

[Order DE 72-12, § 173-16-200, filed 6/20/72 and 7/20/72.]

Chapter 173-18 WAC

SHORELINE MANAGEMENT ACT--STREAMS AND RIVERS CONSTITUTING SHORELINES OF THE STATE

WAC

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WAC 173-18-010 Purpose. The department of ecology, pursuant to RCW 90.58.300, is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the streams and rivers and portions thereof which constitute shorelines of the state pursuant to RCW 90.58.030(2)(d) and (e). [Order DE 72-13, § 173-18-010, filed 6/30/72.]

WAC 173-18-020 Applicability. The provisions of this chapter shall apply state-wide. [Order DE 72-13, § 173-18-020, filed 6/30/72.]

WAC 173-18-030 Definitions. The definitions and concepts set forth in RCW 90.58.030 shall apply as used herein. [Order DE 72-13, § 173-18-030, filed 6/30/72.]

WAC 173-18-040 Streams and rivers. The following provisions of this chapter delimit, by county, the streams and rivers which constitute shorelines of the state as follows:

(1) streams which constitute shorelines.

(a) Western Washington. The following provisions describe the streams in western Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river; provided that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. The following provisions describe the streams in eastern Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river; provided that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(2) Rivers which constitute shorelines of statewide significance.

(a) Western Washington. The following provisions describe the point on those rivers in western Washington where the mean annual flow reaches one thousand cubic feet per second and lists said river in all counties below said point through which said river passes with a mean annual flow in excess of one thousand cubic feet per second; provided that the river falls at said point within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. The following provisions describe either of the following points on those rivers in eastern Washington, whichever is farther upstream;

(i) The point at which the mean annual flow exceeds two hundred cubic feet per second, or

(ii) The lowest extremity of the first three hundred square miles of drainage area east of the crest of the Cascade range; provided that either of said points which is utilized is within the jurisdiction of chapter 90.58 RCW.

(iii) The following provisions additionally list said river in all counties below said point through which said river passes.

(3) Streams or rivers outside the jurisdiction of chapter 90.58 RCW. In those cases where the above described points on streams or rivers fall in geographical areas outside of the jurisdiction of chapter 90.58 RCW. The following provisions list said streams or rivers in all counties downstream from the boundaries of said geographical areas. In such listing, if the body of water is a shoreline of statewide significance below said geographical area, such will be indicated in the description and by asterisk.

(4) Other data.

(a) Wherever a river of state-wide significance falls within a county, it is followed by an asterisk.

(b) The following provisions set forth the name of the quadrangle maps where the stream or river is shown. The quadrangle in which the shoreline delimitation begins and the first quadrangle downstream from the county line is underlined. The quadrangle in which the shoreline of statewide significance begins is followed by an asterisk. The size, in minutes, of all quadrangle maps is designated.

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated. [Order 73-14, § 173-18-040, filed 8/27/73; Order DE 72-13, § 173-18-040, filed 6/30/72.]

WAC 173-18-050 Adams county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Cow Creek*	Karakul Hills * 7 1/2 Marengo 7 1/2 Benge 15 Ritzville S.E. 7 1/2	From mouth of Lugenbeal Creek (Sec.15,T19N,R37E) downstream thru Hallin and Cow Lakes, thru Finnel Lake to mouth on Palouse River (Sec.27,T15N,R37E). This stream has a 300 square mile drainage area ending at mouth of Lugenbeal Creek.
(2) Palouse River*	La Crosse 15 Benge 15 Starbuck 15	From Whitman County line (Sec.24,T16N,R38E) along county line downstream to Franklin County line (Sec. 5,T15N,R37E), right shore only. This stream has over 300 sq. miles of drainage area.
(3) Rock Creek*	Revera 7 1/2	From Whitman County line (Sec.12,T18N,R38E) downstream back to Whitman County line (Sec.24 & 25, same township). This stream has over 300 square miles of drainage area.

[Order 73-14, § 173-18-050, filed 8/27/73; Order DE 72-13, § 173-18-050, filed 6/30/72.]

WAC 173-18-060 Asotin county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Asotin Creek (S. Fork)	Harlow Ridge 7 1/2 Potter Hill 7 1/2	From the confluence of the South Fork Asotin Creek and the Alder Gulch Stream (Sec.34,T9N,R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(2) Asotin Creek*	Potter Hill 7 1/2 Rock Pile Creek 7 1/2 Asotin 7 1/2	From the confluence of North and South Forks of Asotin Creek (Sec.10,T9N, R44E) downstream to mouth on Snake River near Asotin (Sec.16,T10N,R46E). This stream has a 300 square mile drainage area ending at mouth of George Creek (Sec.24,T10N,R45E).
(3) Asotin Creek (N. Fork)	Harlow Ridge 7 1/2 Potter Hill 7 1/2	From the Umatilla National Forest boundary (Sec.19, T9N,R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(4) George Creek	Asotin 7 1/2	From the confluence of George Creek and Pintler Creek (Sec.36,T10N,R45E) downstream to mouth at Asotin Creek (Sec.24, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(5) Grand Ronde River*	Mountain View 7 1/2 Fields Spring 7 1/2 Black Butte 7 1/2 Flora 7 1/2	From the Washington–Oregon boundary (Sec.14, T6N,R43E) downstream to mouth at Snake River and Washington – Idaho boundary line (Sec.13, T7N,R46E). This stream has over 300 square miles of drainage area.
(6) Joseph Creek	Black Butte 7 1/2	From the Oregon–Washington state line (Sec.18,T6N,R46E) downstream to its mouth at Grande Ronde River (Sec.26,T7N,R46E).
(7) Snake River*	Jim Creek Butte 7 1/2 Limekiln Rapids 7 1/2 Captain John Rapids 7 1/2 Lewiston Orchards S. 7 1/2 Asotin 7 1/2 Clarkston 7 1/2 Silcott 7 1/2	From Washington – Oregon boundary (Sec.16,T6N,R47E) downstream to Garfield County line (Sec.6,T11N, R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington – Oregon boundary.

[Order DE 76-14, § 173-18-060, filed 5/3/76; Order 73-14, § 173-18-060, filed 8/27/73; Order DE 72-13, § 173-18-060, filed 6/30/72.]

WAC 173-18-070 Benton county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	Priest Rapids 15 Richland 15 Eltopia 15	From the Yakima County line (Sec.7,T13N,R24E) downstream right bank only, to Hanford works boundary (Sec.9, same township), plus the right bank within Richland city limits (T10N,R28E; T9N, R28E; T9N,R29E). This stream has over 200 cfs MAF at Yakima County line.
(2) Glade Creek*	Blalock Island * 7 1/2	From mouth of East Fork Glade Creek (Sec.6,T5N, R25E) downstream to mouth on Columbia River (Sec.28, same township). This stream has a 300 square mile drainage area ending at East Branch Glade Creek.
(3) Yakima River (Cont.)*	Prosser 7 1/2 Whitstran 7 1/2 Corral Canyon 15 Richland 15 Badger Mtn. 7 1/2 Eltopia 7 1/2	From Benton–Yakima County line (Sec.7,T8N,R24E) downstream to mouth on Columbia River (Sec.19, T9N,R29E). The flow exceeds 200 cfs MAF at Benton–Yakima County line.

[Order 73-14, § 173-18-070, filed 8/27/73; Order DE 72-13, § 173-18-070, filed 6/30/72.]

WAC 173-18-080 Chelan county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Chelan River*	Wenatchee (AMS) * 1:250,000 Manson 7 1/2 Winesap 7 1/2 Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 7 1/2	From the Wenatchee National Forest boundary which crosses Lake Chelan (Sec.3 & 4,T28N,R21E) downstream through Lake to Chelan Falls at mouth at Columbia River (Sec.29, T27N,R23E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.
(2) Chiwawa River*	Holden 15 Wenatchee Lake 15 Plain* 7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27,T30N,R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N,R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20,T28N,R17E).
(3) Columbia River (Cont.)*	Wells Dam 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 7 1/2	From the Okanogan County line on the Columbia River (Sec.6,T28N,R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5,T20N,R22E). The flow exceeds 200 cfs MAF at Okanogan–Chelan County line.
(4) Entiat River*	Brief * 7 1/2 Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 7 1/2	From the Wenatchee National Forest boundary (Sec.29,T28N,R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17,T25N,R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.
(5) Icicle Creek*	Chiwaukum Mts. 15 Leavenworth 15	From the Wenatchee National Forest boundary (west section line) (Sec. 5,T24N,R16E) downstream to mouth at Wenatchee River (Sec.13,T24N,R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(6) Little Wenatchee River*	Wenatchee Lake * 15	From confluence with Soda Creek (Sec.10, T27N,R15E) downstream to mouth on Wenatchee Lake (Sec.23,T27N,R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek.
(7) Mad River	Tyee Mtn. 7 1/2 Ardenvoir 7 1/2 Chumstick Mtn. 7 1/2	From the Wenatchee National Forest boundary (Sec.13,T26N,R19E) downstream to mouth at Entiat River (Sec.19,T26N, R20E). Exclude federal lands.
(8) Mission Creek	Monitor 7 1/2 Cashmere 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31,T23N,R19E) downstream to mouth at Wenatchee River (Sec.4, T23N,R19E).

Stream Name	Quadrangle Name and Size	Legal Description
(9) Napeequa River	Wenatchee Lake 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17,T28N,R16E) downstream to mouth at White River (Sec.18, same township).
(10) Nason Creek*	Labyrinth Mtn. *7 1/2 Wenatchee Lake 15 Plain 7 1/2	From west section line (Sec.5,T26N,R15E) downstream to mouth at Wenatchee River (Sec.28, T27N,R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11,T26N,R16E).
(11) Peshastin Creek	Liberty 15 Leavenworth 15	From the Wenatchee National Forest boundary (Sec.25,T23N,R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22,T24N,R18E).
(12) Stehekin River*	McGregor Mtn. 7 1/2 Stehekin 7 1/2	From the North Cascades National Park boundary (Sec.7,T33N,R17E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N,R17E). The 200 cfs MAF point begins at National Park boundary.
(13) Wenatchee River*	Plain * 7 1/2 Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N,R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec. 27,T23N,R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N,R17E).
(14) White River*	Wenatchee Lake * 15	From Wenatchee National Forest boundary (Sec.18, T28N,R16E) downstream to mouth at Wenatchee Lake (Sec.14,T27N,R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5,T27N,R16E).
(15) Railroad Creek	Holden 15 Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N,R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10,T31N,R18E).
(16) Twenty-five Mile Creek	Stormy Mtn. 7 1/2	From South section line (Sec.36,T29N,R20E) downstream to mouth at Lake Chelan (Sec.19,T29N,R21E).
(17) Phelps Creek	Holden 15	From NE1/4 of SW1/4 (Sec.10,T30N,R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.
(18) Whitepine Creek	Wenatchee Lake 15	From South section line (Sec.11,T26N,R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.
(19) Chiwaukum Creek	Chiwaukum Mts. 15 Leavenworth 15	From confluence with South Fork Chiwaukum (Sec.34,T26N,R16E) downstream to mouth at Wenatchee River (Sec.9,T25N,R17E). Exclude federal lands.
(20) Chiwaukum Creek (S. Fork)	Chiwaukum Mts. 15	From confluence with Painter Creek (Sec.3, T25N,R16E) downstream to mouth at Chiwaukum Creek (Sec.34,T26N,R16E). Exclude federal lands.
(21) Eightmile Creek	Chiwaukum Mts. 15	From the west section line (Sec.25,T24N,R16E) downstream to Icicle Cr. (Sec.19,T24N,R17E). Exclude federal lands.
(22) Ingalls Creek	Mount Stuart 15 Liberty 15	From west section line (Sec.31,T23N,R17E) downstream to mouth at Peshastin Creek (Sec.25,T23N,R17E). Exclude federal lands.

[Order DE 76-14, § 173-18-080, filed 5/3/76; Order 73-14, § 173-18-080, filed 8/27/73; Order DE 72-13, § 173-18-080, filed 6/30/72.]

WAC 173-18-090 Clallam county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big River	Lake Pleasant 15	From the confluence of Big River and unnamed creek (Sec.16,T31N,R14W) downstream to mouth on Lake Ozette (Sec.10,T30N, R15W).
(2) Bear Creek	Forks 15	From the confluence of Bear Creek and unnamed creek (Sec.24,T28N,R13W) downstream to mouth at Bogachiel River (Sec.35, T28N,R13W).
(3) Bear Creek	Pysht 15	From the Olympic National Forest boundary (Sec.25, T30N,R12W) downstream to mouth at Soleduck River (Sec.27, same township).
(4) Beaver Creek	Lake Pleasant 15	From the Olympic National Forest boundary (Sec.20, T30N,R12W) downstream to mouth at Soleduck River (Sec.30,T30N,R12W).
(5) Bockman Creek	Lake Pleasant 15	From the Olympic National Forest boundary (Sec.1, T29N,R13W) downstream to mouth at Soleduck River (same section).
(6) Bogachiel River (Cont.)*	Forks * 15 La Push 15	From the Jefferson County line (Sec.35,T28N,R13W) downstream to mouth at Quillayute River (Sec.20, T28N,R14W). The 1,000 cfs MAF point begins at mouth of Bear Creek (Sec.35, T28N,R13W).

Stream Name	Quadrangle Name and Size	Legal Description
(7) Calawah River*	Forks * 15	From confluence of North and South Forks of Calawah River (Sec.35,T29N,R13W) downstream to mouth at Bogachiel River (Sec.13, T28N,R14W). The 1,000 cfs MAF point begins at confluence of North and South Forks.
(8) Calawah River (S. Fork)	Forks 15	From the Olympic National Forest boundary (Sec.1, T28N,R13W) downstream to mouth at Calawah River (Sec.35,T29N,R13W).
(9) Calawah River (N. Fork)	Pysht 15 Lake Pleasant 15 Forks 15	From the North section line (Sec.15, T29N,R11W) to mouth at Calawah River (Sec.35, T29N,R13W). Exclude federal lands.
(10) Clallam River	Lake Pleasant 15 Pysht 15 Clallam Bay 15	From the confluence of Clallam River and unnamed creek (Sec.12,T31N,R13W) downstream to mouth at Clallam Bay (Sec.20,T32N, R12W).
(11) Colby Creek	La Push 15	From the intersection of private road and Colby Creek (Sec.8,T28N,R14W) downstream to mouth at Dickey River (Sec.6,T28N, R14W).
(12) Coal Creek	La Push 15	From the confluence of Coal Creek and unnamed creek (Sec.1,T28N,R15W) downstream to mouth at Dickey River (Sec.12, same township).
(13) Crooked Creek	Ozette Lake 15	From the confluence of the North Fork and the South Fork (Sec.19,T30N,R14W) downstream to mouth at Ozette Lake (Sec.15,T30N, R15W).
(14) Dickey River	La Push 15	From the confluence of East and West Forks of Dickey River (Sec.30, T29N,R14W) downstream to Olympic National Park boundary (Sec.22,T28N,R15W).
(15) Dickey River (W. Fork)	La Push 15 Ozette Lake 15	From the outlet of Lake Dickey (Sec.16,T30N, R14W) downstream to mouth at Dickey River (Sec.30,T29N,R14W).
(16) Dickey River (E. Fork)	Lake Pleasant 15 Ozette Lake 15	From the confluence of the East Fork Dickey River and unnamed creek (Sec.19,T30N, R13W) downstream to mouth at Dickey River (Sec.30, T29N,R14W).
(17) Dickey River (M. Fork)	Lake Pleasant 15	From the confluence of the Middle Fork Dickey River and unnamed creek (Sec.14, T30N,R14W) downstream to mouth at West Fork Dickey River (Sec.21, same township).
(18) Deep Creek	Pysht 15	From the Olympic National Forest boundary (Sec.36, T31N,R11W) downstream to mouth at Strait of Juan de Fuca (Sec.20,T31N,R10W).
(19) Dungeness River	Tyler Peak 15 Carlsborg 7 1/2 Dungeness 7 1/2	From the Olympic National Forest boundary (Sec.24, T29N,R4W) downstream to mouth at Dungeness Bay (Sec.25,T31N,R4W).
(20) East Twin River	Lake Crescent 15	From the confluence of East Twin River and unnamed creek at Olympic National Forest boundary (Sec.36,T31N,R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, same township).
(21) Elk Creek	Forks 15	From a point approximately 1000' west of the Olympic National Forest boundary (Sec.12,T28N,R13W) downstream to mouth at Calawah River (Sec.3, same township).
(22) Elwha River*	Joyce * 15	From the center of (Sec. 28,T30N,R7W) downstream to mouth at Freshwater Bay (Sec.27,T31N,R7W). The 1,000 cfs MAF point begins at center of (Sec.28,T30N, R7W).
(23) Herman Creek	Lake Pleasant 15	From the confluence of North Branch Herman Creek and Herman Creek (Sec.28, T31N,R13W) downstream to mouth at Hoko River (Sec. 30, same township).
(24) Hoko River	Lake Pleasant 15 Clallam Bay 15	From the confluence of Hoko River and unnamed creek (Sec.16,T30N,R13W) downstream to mouth at Strait of Juan de Fuca (Sec.10,T32N,R13W).
(25) Indian Creek	Joyce 15	From the confluence of Indian Creek and unnamed creek (Sec.23,T30N,R8W) downstream to mouth at Lake Aldwell (Sec.28,T30N, R7W).
(26) Little Hoko River	Lake Pleasant 15 Clallam Bay 15	From the confluence of Little Hoko River and Lamb Creek (Sec.3,T31N, R13W) downstream to mouth at Hoko River (Sec.22,T32N, R13W).
(27) Little River (S. Br.)	Joyce 15	From the Olympic National Forest boundary (Sec.25, T30N,R7W) downstream to mouth at Elwha River (Sec. 28, same township). Excluding federal lands.
(28) Lyre River	Lake Crescent 15	From the Olympic National Forest boundary (Sec.10, T30N,R9W) downstream to mouth at Strait of Juan de Fuca (Sec.22,T31N,R9W).
(29) Maxfield Creek	Forks 15	From the confluence of Maxfield Creek and South Fork Maxfield Creek (Sec. 27,T28N,R14W) downstream to mouth at Bogachiel River (Sec.28, same township).
(30) McDonald Creek	Carlsborg 7 1/2 Dungeness 7 1/2	From the confluence of McDonald Creek and unnamed creek (Sec.6,T29N,R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5,T30N,R4W).

Stream Name	Quadrangle Name and Size	Legal Description
(31) Murphy Creek	La Push 15	From the confluence of Murphy Creek and unnamed creek (Sec.33,T28N,R14W) downstream to mouth at Bogachiel River (Sec.29, same township).
(32) Pilchuck Creek	Ozette Lake 15	From a point (SW1/4 of NE1/4 Sec.33,T32N,R15W) downstream to mouth at Sooes River (Sec.28, same township).
(33) Morse Creek	Morse Creek 7 1/2	From Olympic National Park boundary (Sec.8,T29N,R5W) downstream to mouth at Port Angeles Harbor (Sec. 5,T30N,R5W).
(34) Ponds Creek	Lake Pleasant 15	From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34,T31N,R14W) downstream to mouth at Dickey Lake (Sec.9,T30N, R14W).
(35) Pysht River	Pysht 15	From the Olympic National Forest boundary (Sec.34, T31N,R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9, T31N,R11W).
(36) Pysht River (S. Fk.)	Pysht 15	From the confluence of the South Fork Pysht River and Middle Creek (Sec.28,T31N, R11W) downstream to mouth at Pysht River (Sec.13,T31N, R12W).
(37) Quil-layute River*	La Push * 15	From confluence of Soleduck and Bogachiel Rivers (Sec. 20,T28N,R14W) downstream to Olympic National Park boundary (Sec.24,T28N,R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River.
(38) Salt Creek	Joyce 15	From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec. 34,T31N,R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township).
(39) Sekiu River (S. Fk.)	Lake Pleasant 15	From the confluence of the South Fork Sekiu River and unnamed creek (Sec.26,T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).
(40) Sekiu River (N. Fk.)	Cape Flattery 15	From the confluence of North Fork Sekiu River and unnamed creek (Sec.7, T32N,R14W) downstream to mouth at Sekiu River (Sec. 15, same township).
(41) Sekiu River	Clallam Bay 15	From confluence of North and South Forks of Sekiu River (Sec.15,T32N,R14W) downstream to mouth on Strait of Juan de Fuca (Sec.8,T32N,R13W).
(42) Shuwah Creek	Lake Pleasant 15	From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec. 15,T29N,R13W) downstream to mouth at Soleduck River (Sec.22, same township).
(43) Skunk Creek	Lake Pleasant 15	From the confluence of Skunk Creek and unnamed creek (Sec.29,T30N,R13W) downstream to mouth at the Dickey River (Sec.31,T39N, R13W).
(44) Snag Creek	Ozette Lake 15	From the confluence of Snag Creek and unnamed creek (Sec.6,T31N,R14W) downstream to mouth at Sooes River (Sec.30,T32N, R14W).
(45) Soleduck River*	Pysht 15 Lake Pleasant* 15 Forks 15 La Push 15	From the Olympic National Forest boundary (Sec.35, T30N,R10W) downstream to mouth at Quillayute River (Sec.20,T28N,R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1,T29N,R13W). Excludes federal lands.
(46) Sooes River	Ozette Lake 15 Cape Flattery 15	From the confluence of Snag Creek and Sooes River (Sec.30,T32N,R14W) downstream to Indian Reservation boundary (Sec.16,T32N,R15W).
(47) Thunder Creek	Lake Pleasant 15	From the confluence of Thunder Creek and unnamed creek (Sec.11,T29N,R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township).
(48) Umbrella Creek	Ozette Lake 15	From the confluence of Umbrella Creek and unnamed creek (Sec.23,T31N,R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4,T30N,R15W).
(49) West Twin River	Lake Crescent 15	From the Olympic National Forest boundary (Sec.34, T31N,R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23,T31N,R10W).

[Order DE 76-14, § 173-18-090, filed 5/3/76; Order 73-14, § 173-18-090, filed 8/27/73; Order DE 72-13, § 173-18-090, filed 6/30/72.]

WAC 173-18-100 Clark county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Tree Creek	Yacolt 15 Yacolt 7 1/2	From the confluence of Big Tree Creek and Big Creek (Sec.6,T4N,R4E) downstream to mouth at East Fork Lewis River (Sec.13,T4N, R3E).
(2) Boulder Creek	Camas 15	From the confluence of Boulder Creek and unnamed creek (Sec.9,T2N,R4E) downstream to confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, same township).
(3) Burnt Bridge Creek	Orchards 7 1/2 Vancouver 7 1/2	From I-205 overcrossing (Sec.16,T2N,R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9,T2N,R1E).

Stream Name	Quadrangle Name and Size	Legal Description
(4) Canyon Creek	Lookout Mt. 15 Yacolt 15	From the National Forest boundary line (Sec.12,T5N, R4E) downstream to mouth at Lewis River (Sec.31, T6N,R4E) excluding the portion which flows thru Gifford Pinchot National Forest.
(5) Cedar Creek	Yacolt 15	From the confluence of Cedar Creek and Cold Creek (Sec.8,T3N,R4E) downstream to mouth at Rock Creek (Sec.31,T4N,R4E).
(6) Cedar Creek	Amboy 7 1/2 Yacolt 7 1/2 Ariel 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.24,T5N,R3E) downstream to mouth at Lewis River (Sec.12,T5N, R1E).
(7) Chelat-chie Creek	Amboy 7 1/2	From an approximate point along the south section line (SE1/4 of NW1/4 of Sec. 14,T5N,R3E) downstream to mouth at Cedar Creek (Sec.16, same township).
(8) Columbia River (Cont.)*	Bridal Veil 15 Washougal 7 1/2 Camas 7 1/2 Mount Tabor 7 1/2 Portland 7 1/2 Vancouver 7 1/2 Sauvie Island 7 1/2 St. Helens 7 1/2	From the Skamania County line on Columbia River (Sec.19,T1N,R5E) downstream along the Washington–Oregon boundary to Cowlitz County line at Lewis River (Sec.10,T4N,R1W). The flow exceeds 1,000 cfs MAF at Skamania–Clark County line.
(9) Lewis River*	Mt. St. Helens 15 Cougar 15 Yacolt 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2 Ridgefield 7 1/2 St. Helens 7 1/2	From the Skamania County line (Sec.36,T7N,R4E) left bank only downstream to mouth at Columbia River (Sec.2,T4N,R1W). The flow exceeds 1,000 cfs MAF at Skamania–Clark County line.
(10) Copper Creek	Lookout Mtn. 15 Yacolt 15	From the Gifford Pinchot National Forest boundary (Sec.25,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).
(11) Fifth Plain Creek	Lackamas 7 1/2	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6,T2N, R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).
(12) Fly Creek	Yacolt 15	From the confluence of Fly Creek and unnamed creek (Sec.1,T4N,R4E) downstream to mouth at Canyon Creek (Sec.4,T5N,R4E).
(13) Gee Creek	Ridgefield 7 1/2	From the confluence of Gee Creek and unnamed creek (Sec.19,T4N,R1E) downstream to mouth at Lewis River (Sec.11,T4N,R1W).
(14) Glenwood Creek	Orchards 7 1/2	From the intersection of Glenwood Creek and NE 119th St. (Sec.29,T3N,R2E) downstream to Salmon Creek (Sec.20, same township).
(15) Hagan Creek	Camas 15 Bridal Veil 15	From the confluence of Hagan Creek and unnamed creek (Sec.36,T3N,R4E) downstream to Skamania County line (Sec.1,T2N, R4E).
(16) King Creek	Yacolt 15	From the confluence of King Creek and unnamed creek (Sec.26,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.21, same township).
(17) Lackamas Creek	Camas 15 Lackamas 7 1/2	From the Military Reservation boundary (Sec.9,T2N,R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12,T1N,R3E).
(18) Lewis River (E. Fk.)*	Lookout Mt. 15 Yacolt 15 Battle Ground 7 1/2 Ridgefield* 7 1/2 Yacolt 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.24,T4N,R4E) downstream to mouth at Lewis River (Sec.32,T5N, R1E). The 1,000 cfs MAF begins at the mouth of Mason Creek. (Sec.14,T4N,R1E).
(19) Little Washougal River	Camas 15	From the confluence of Boulder Creek and East Fork Little Washougal River (Sec.8,T2N,R4E) downstream to mouth on Washougal River (Sec.32, same township).
(20) Little Washougal River (E. Fk.)	Camas 15	From the confluence of East Fork Little Washougal River and Jones Creek (Sec.9,T2N,R4E) downstream to mouth at confluence with Boulder Creek (Sec.8, T2N,R4E).
(21) Lockwood Creek	Ridgefield 7 1/2	From the confluence of Lockwood Creek and unnamed creek (Sec.1,T4N,R1E) downstream to mouth at East Fork Lewis River (Sec.11, same township).
(22) Mason Creek	Battleground 7 1/2	From the confluence of Mason Creek and unnamed creek (Sec.8,T4N,R2E) downstream to mouth at East Fork Lewis River (Sec.14,T4N,R1E).
(23) Matney Creek	Camas 15 Lackamas 7 1/2	From the confluence of Matney Creek and unnamed creek (Sec.15,T2N,R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).
(24) Mill Creek	Battle Ground 7 1/2 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Mill Creek and unnamed creek (SW1/4 Sec.7,T3N, R2E) downstream to mouth at Salmon Creek (Sec.24, T3N,R1E).
(25) Morgan Creek	Yacolt 7 1/2 Battle Ground 7 1/2	From an approximate point (SE1/4 of Sec.12,T3N,R2E) downstream to mouth at Salmon Creek (Sec.12, same township).
(26) North Siouxon Creek	Lookout Mt. 15 Yacolt 15	From the Skamania County line (Sec.25,T6N,R4E) downstream to mouth at Siouxon Creek (Sec.25, same township).
(27) Rock Creek	Yacolt 15	From an approximate point on the north section line (SE1/4 of NW1/4 of Sec.33, T4N,R3E) downstream to mouth on Salmon Creek (Sec.4,T3N,R3E).

Stream Name	Quadrangle Name and Size	Legal Description
(28) Rock Creek	Battle Ground 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.2,T4N,R2E) downstream to mouth on East Fork Lewis River (Sec.14, same township).
(29) Rock Creek	Yacolt 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.9,T3N,R4E) downstream to mouth at East Fork Lewis River (Sec.19,T4N,R4E).
(30) Salmon Creek	Yacolt 7 1/2 LaCenter 15 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Salmon Creek and unnamed creek (NW1/4 of Sec.10,T3N, R3E) downstream to mouth at Lake River (Sec.19,T3N, R1E).
(31) Siouxon Creek (Cont.)	Lookout Mtn. 15 Yacolt 15	From the Skamania County line (Sec.36,T6N,R4E) downstream to mouth in Yale Lake (Sec.26, same township).
(32) Unnamed Creek (Tributary to Chelatchie Creek)	Amboy 7 1/2	From intersection of Eaton Road and unnamed creek (Sec.15,T5N,R3E) downstream to mouth at Chelatchie Creek (Sec.16, same township).
(33) Washougal River (Cont.)*	Bridal Veil 15 Washougal* 7 1/2 Camas 7 1/2	From the Skamania County line (Sec.36,T2N,R4E) downstream to mouth at Columbia River near Camas (Sec.11,T1N,R3E). The 1,000 cfs MAF begins at mouth of Little Washougal River (Sec.32,T2N,R4E).
(34) Yacolt Creek	Yacolt 7 1/2	From an approximate point (near SE corner of the NE1/4 of NW1/4 Sec.11,T4N,R3E) downstream to mouth at Big Tree Creek (Sec.13, T4N,R3E).

[Order DE 76-14, § 173-18-100, filed 5/3/76; Order 73-14, § 173-18-100, filed 8/27/73; Order DE 72-13, § 173-18-100, filed 6/30/72.]

WAC 173-18-110 Columbia county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek (Cont.)	Hay 15	From the Garfield County line (Sec.12,T12N,R39E) downstream to mouth at Tucannon River (Sec.24, T12N,R38E).
(2) Tucannon River*	Pomeroy 30 Hopkins Ridge 7 1/2 Zumwalt 7 1/2 Turner 7 1/2 Tucannon 7 1/2 Hay* 15 Starbuck 15	From the Umatilla National Forest boundary line (Sec. 35,T10N,R41E) downstream to mouth at Snake River (Sec.3,T12N,R37E). This stream has over 300 square miles of drainage area ending at Pataha Creek (Sec.24,T12N,R38E).
(3) Touchet River (S. Fk.)	Pomeroy 30 Robinette Mtn. 7 1/2 Dayton 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5,T8N,R39E) downstream to mouth at Touchet River near Dayton (Sec.32,T10N,R39E).
(4) Touchet River (N. Fk.)	Pomeroy 30 Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28, T8N,R40E) downstream to Touchet River near Dayton (Sec.32,T10N,R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(5) Touchet River	Pomeroy 30 Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32, T10N,R39E) downstream to Walla Walla County line (Sec.7,T9N,R38E).
(6) Robinson Creek	Dayton 7 1/2	From north line (Sec.23, T9N,R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township.)

[Order DE 76-14, § 173-18-110, filed 5/3/76; Order 73-14, § 173-18-110, filed 8/27/73; Order DE 72-13, § 173-18-110, filed 6/30/72.]

WAC 173-18-120 Cowlitz county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Abernathy Creek	Ryderwood 15 Clatskanie 15	From the confluence of Abernathy Creek and Ordway Creek (Sec.5,T9N, R4W) downstream to mouth at Columbia River (Sec.10, T8N,R4W).
(2) Alder Creek	Toutle 15	From the confluence of Alder Creek and unnamed creek (Sec.26,T10N,R2E) downstream to mouth at North Fork Toutle River (Sec.15, same township.)
(3) Arkansas Creek	Ryderwood 15	From the confluence of Arkansas Creek and unnamed creek (NE1/4 Sec.26,T10N, R3W) downstream to mouth at Cowlitz River near Castle Rock (Sec.15,T9N, R2W).
(4) Baird Creek	Pigeon Springs 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 of Sec.9,T8N,R2E) downstream to mouth at Coweeman River (Sec.19, same township).
(5) Bear Creek	Cougar 15	From the confluence of Bear Creek and unnamed creek (Sec.9,T8N,R3E) downstream to South Fork Toutle River (Sec.29,T9N,R3E).
(6) Bear Creek	Elk Rock 15 Toutle 15	From the intersection of Bear Creek and light duty road (Sec.33,T10N,R3E) downstream to mouth at Hoffstadt Creek (Sec.23, T10N,R2E).
(7) Cameron Creek	Clatskanie 15	From the confluence of Cameron Creek and unnamed creek (Sec.28,T9N,R4W) downstream to mouth at Abernathy Creek (Sec.10, T8N,R4W).
(8) Campbell Creek	Ryderwood 15	From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10,T10N,R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(9) Castle Creek	Elk Rock 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).
(10) Chehalis River (S. Fk.)	Ryderwood 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N,R4W) downstream to the Lewis County line (Sec.2, same township).
(11) Coal Creek	Clatskanie 15	From the confluence of Coal Creek and unnamed creek (Sec.28,T9N,R3W) downstream to mouth at Coal Creek Slough (Sec. 14,T8N,R3W).
(12) Cold-water Creek (cont.)	Spirit Lake 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.2,T9N,R4E).
(13) Columbia River (Cont.)*	St. Helens 7 1/2 Deer Island 7 1/2 Kalama 7 1/2 Rainier 7 1/2 Clatskanie 15	From the Lewis River at the Clark County line (Sec.10,T4N,R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20,T8N, R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.
(14) Cougar Creek	Cougar 15	From the confluence of Cougar Creek and Panmaker Creek (Sec.27,T7N,R4E) downstream to mouth at Yale Lake (same section).
(15) Coweeman River	Cougar 15 Pigeon Springs 15 Mt. Brynion 7 1/2 Kelso 7 1/2 Rainier 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19,T8N,R3E) downstream to mouth at Cowlitz River (Sec.11,T7N,R2W).
(16) Cowlitz River (Cont.)*	Castle Rock 15 Kelso 7 1/2 Rainier 7 1/2	From Cowlitz-Lewis County line (Sec.4,T10N,R2W) downstream to mouth on Columbia River (Sec.10,T7N, R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N,R2W).
(17) Deer Creek	Elk Rock 15	From the confluence of Deer Creek and unnamed creek (Sec.31,T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.36,T10N,R2E).
(18) Dela-meter Creek	Castle Rock 15 Kelso 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24,T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N,R2W).
(19) Devils Creek	Toutle 15	From the Lewis County line (Sec.2,T10N,R2E) downstream to mouth at the Green River (same section).
(20) Elk Creek	Cougar 15	From the confluence of Elk Creek and unnamed creek (Sec.12,T7N,R2E) downstream to mouth at Kalama River (Sec.24, same township).
(21) Elocho-man River (E. Fk.)	Ryderwood 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N,R4W) downstream to Wahkiakum County line (same section).
(22) Germany Creek	Ryderwood 15 Clatskanie 15	From the confluence of Germany Creek and unnamed creek (Sec.25,T10N,R4W) downstream to mouth at Columbia River (Sec.12, T8N,R4W).
(23) Gobar Creek	Pigeon Springs 15	From the confluence of Gobar Creek and unnamed creek (Sec.8,T7N,R2E) downstream to mouth at Kalama River (Sec.36,T7N, R1E).
(24) Goble Creek	Pigeon Springs 15 Kalama 7 1/2 Mt. Brynion 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13,T7N,R1W) downstream to mouth of Coweeman River (Sec.34, T8N,R1W).
(25) Goble Creek (N. Fk.)	Pigeon Springs 15 Kalama 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N,R1E) downstream to mouth at Goble Creek (Sec.2,T7N,R1W).
(26) Green River (cont.)	Spirit Lake 15 Elk Rock 15 Toutle 15	From the Skamania-Cowlitz county line (Sec.1,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.8,T10N,R2E) excluding those reaches within Lewis County.
(27) Hemlock Creek	Toutle 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18,T9N,R1E) downstream to mouth at Silver Lake (Sec.1,T9N, R1W).
(28) Hoff-stadt Creek	Elk Rock 15 Toutle 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.23,T10N,R2E).
(29) Jackson Creek	Elk Rock 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec. 8,T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.12,T9N,R3E).
(30) Johnson Creek	Toutle 15	From the confluence of Johnson Creek and unnamed creek (Sec.36,T10N,R1E) downstream to South Fork Toutle River (Sec.34, same township).
(31) Kalama River*	Cougar 15 Pigeon Springs* 15 Kalama 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5,T7N,R4E) downstream to mouth at Columbia River (Sec.1,T6N,R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17,T6N,R1E).
(32) Kalama River (N. Fk.)	Cougar 15	From confluence of Kalama River N. Fk. and unnamed creek (Sec.34,T8N,R3E) downstream to mouth at Kalama River (Sec.14,T7N, R3E).

Stream Name	Quadrangle Name and Size	Legal Description
(33) Langdon Creek	Cougar 15	From confluence of Langdon Creek and unnamed creek (Sec.9,T7N,R3E) downstream to mouth at Kalama River (Sec.22,T7N,R3E).
(34) Lewis River (Cont.)*	Mt. St. Helens * 15 Cougar 15 Yacolt 15 St. Helens 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2	From the Skamania County line (Sec.25,T7N,R4E) downstream through Yale Lake and Lake Merwin to mouth at the Columbia River (Sec.2,T4N,R1W) on right shore of Lewis River only. The flow exceeds 1,000 cfs MAF at Cowlitz-Skamania County line.
(35) Little Kalama River	LaCenter 15 Pigeon Springs 15	From the confluence of the Little Kalama River and unnamed creek (Sec.16,T6N, R1E) downstream to mouth at Kalama River (Sec.17, same township).
(36) Little Mill Creek	Clatskanie 15	From the confluence of Little Mill Creek and unnamed creek (Sec.8, T8N,R4W) downstream to mouth at Mill Creek (Sec.9, same township).
(37) Mill Creek (Cont.)	Clatskanie 15	From the Wahkiakum County line (Sec.32,T9N,R4W) downstream to mouth on the Columbia River (Sec.9,T8N, R4W).
(38) Monahan Creek	Ryderwood 15 Castle Rock 15	From the confluence of Monahan Creek and unnamed creek (Sec.2,T9N,R3W) downstream to mouth at Delameter Creek (Sec.18, T9N,R2W).
(39) Mulholland Creek	Pigeon Springs 15	From the confluence of Mulholland Creek and unnamed creek (Sec.2,T8N, R1E) downstream to mouth at Coweeman River (Sec.17, same township).
(40) Olequa Creek (Cont.)	Castle Rock 15	From Lewis County line (Sec.32,T11N,R2W) downstream to mouth at Cowlitz River (Sec.9, T10N,R2W).
(41) Ostrander Creek	Mt. Brynion 7 1/2 Kelso 7 1/2	From the confluence of Ostrander Creek and unnamed creek (Sec.27,T9N, R1W) downstream to mouth at Cowlitz River (Sec.11, T8N,R2W).
(42) Ostrander Creek (S. Fk.)	Mt. Brynion 7 1/2 Kelso 7 1/2	From the confluence of South Fork Ostrander Creek and unnamed creek (Sec.18, T8N,R1W) downstream to mouth at Ostrander Creek (Sec.12,T8N,R2W).
(43) Rock Creek	Cougar 15 Amboy 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.8,T6N,R3E) downstream to mouth at Lake Merwin (Sec.20, same township).
(44) Salmon Creek (Cont.)	Castle Rock 15	From the Lewis County line (Sec.3,T10N,R1W) back to Lewis County line (same section) except those reaches within Lewis County.
(45) Shultz Creek	Elk Rock 15	From the confluence of Shultz Creek and unnamed creek (N1/2 Sec.14,T10N, R4E) downstream to mouth at Green River (Sec.3, same township).
(46) South Coldwater Creek	Spirit Lake 15 Elk Rock 15	From the Gifford Pinchot National Forest boundary (Sec.1,T9N,R4E) downstream to mouth at Coldwater Creek (Sec.2, same township).
(47) Speelyai Creek	Cougar 15 Yacolt 15 Amboy 7 1/2	From the confluence of the Speelyai Creek and the West Fork of Speelyai Creek (Sec.5,T6N,R4E) downstream to mouth at Lake Merwin (Sec.23,T6N, R3E).
(48) Stillwater Creek	Ryderwood 15	From the confluence of Stillwater Creek and unnamed creek (Sec.6,T10N, R3W) downstream to the Lewis County line (Sec.3, same township).
(49) Studebaker Creek	Toutle 15	From the confluence of Studebaker Creek and unnamed creek (Sec.33,T10N, R1E) downstream to mouth at Toutle River (S. Fork) (Sec.29, same township).
(50) Toutle River*	Toutle * 15 Castle Rock 15	From confluence of North and South Forks of Toutle River (Sec.29,T10N,R1E) downstream to mouth on Cowlitz River (Sec.34,T10N, R2W). The 1,000 cfs MAF point begins at mouth of Green River (Sec.8,T10N, R2E) at North Fork Toutle River.
(51) Toutle River (N. Fk.)	Spirit Lake 15 Elk Rock 15 Toutle 15	From the Gifford Pinchot National Forest boundary at the Skamania County line (Sec.13,T9N,R4E) downstream to mouth at Toutle River (Sec.29,T10N, R1E).
(52) Toutle River (S. Fk.)	Cougar 15 Pigeon Springs 15 Toutle 15	From the Gifford Pinchot National Forest boundary (Sec.2,T8N,R4E) downstream to mouth at the Toutle River (Sec.29,T10N,R1E).
(53) Unnamed Tributary to Kalama River	Cougar 15	From an approximate point (SW1/4 of SE1/4 of NW1/4 of Sec.13,T7N,R3E) downstream to mouth at Kalama River (Sec.12, same township).
(54) Unnamed Tributary to Speelyai Creek	Cougar 15	From an approximate point near the east section line (Sec.12,T6N,R3E) downstream to mouth at Speelyai Creek (Sec.7,T6N, R4E).
(55) Unnamed Tributary to Toutle River (S. Fk.)	Cougar 15	From confluence of unnamed tributary and unnamed creek (Sec.12,T8N,R3E) downstream to mouth at South Fork Toutle River (Sec.36,T9N,R3E).
(56) Wild Horse Creek	Pigeon Springs 15	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N,R1E) downstream to mouth at Kalama River (Sec.36,T7N,R1E).

Stream Name	Quadrangle Name and Size	Legal Description
(57) Wolf Creek	Cougar 15	From the confluence of Wolf Creek and unnamed creek (Sec.28,T7N,R3E) downstream to mouth at Kalama River (Sec.21, same township).
(58) Wyant Creek	Toutle 15	From the confluence of Wyant Creek and unnamed creek (Sec.13,T10N,R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
(59) Unnamed Tributary to Toutle River (S. Fk.)	Cougar 15	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N,R4E) downstream to mouth at Toutle River S. Fk. excluding federal lands.
(60) Fossil Creek	Cougar 15	From Gifford Pinchot National Forest boundary (Sec.31,T8N,R4E) downstream to mouth at Kalama River (Sec.6,T7N,R4E).

[Order DE 76-14, § 173-18-120, filed 5/3/76; Order 73-14, § 173-18-120, filed 8/27/73; Order DE 72-13, § 173-18-120, filed 6/30/72.]

WAC 173-18-130 Douglas county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	Chief Joseph Dam 7 1/2 Bridgeport 7 1/2 Brewster 7 1/2 Wells Dam 7 1/2 Azwell 7 1/2 Chelan Falls 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malala 7 1/2 Rock Island Dam 7 1/2 Chelan 7 1/2 Winesap 7 1/2 Entiat 7 1/2 Orondo 7 1/2 Rocky Reach Dam 7 1/2 West Bar 7 1/2	Beginning (Sec.24,T29N, R25E) below Chief Joseph Dam downstream to (Sec. 13,T20N,R22E) excluding any federal lands. The flow exceeds 200 cfs MAF at Chief Joseph Dam.
(2) Moses Coulee* (Rattle-snake Creek) (Douglas Creek)	Palisades * 7 1/2 Appledale 7 1/2 Rock Island Dam 7 1/2	From the confluence of Douglas Creek and Moses Coulee (Sec.36,T23N,R23E) downstream to mouth at Columbia River (Sec.33, T21N,R22E). This stream has over 300 sq. miles of drainage area ending at mouth of Douglas Creek.

[Order 73-14, § 173-18-130, filed 8/27/73; Order DE 72-13, § 173-18-130, filed 6/30/72.]

WAC 173-18-140 Ferry county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Boulder Creek	Orient 15 Orient 7 1/2	From the Colville National Forest boundary (Sec.36, T39N,R36E) downstream to mouth at Kettle River and Stevens County line (same section).
(2) Columbia River (Cont.)*	Marcus 7 1/2	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction.
(3) Curlew Creek	Curlew 15	From the confluence of Curlew Creek and St. Peter Creek (Sec.11,T38N,R33E) downstream to Kettle River (Sec.14,T39N,R33E).
(4) Kettle River*	Bodie Mtn. 15 Curlew 15 Togo Mtn. 15 Laurier 7 1/2 Orient 7 1/2	From the United States - Canada border (Sec.3,T40N,R32E) downstream to said border (Sec.3, T40N,R34E) returning to the U.S. (Sec.2,T40N,R36E) right bank only downstream to (Sec.20,T38N,R37E) excluding all Colville National Forest lands. The flow exceeds 200 cfs MAF at United States - Canada boundary.
(5) Sanpoil River	Republic 15 Seventeen-Mile Mtn. 15 Keller 15 Wilbur 15	From the confluence of Sanpoil River and O'Brien Creek (Sec.5,T36N,R33E) downstream to federal boundary (Sec.12,T35N,R32E).
(6) Toroda Creek (Cont.)	Bodie Mtn. 15	From the Intersection of Nickolson Creek and Toroda Creek (Sec.30,T40N, R32E) downstream to mouth at Kettle River near Toroda (Sec.27, same township).
(7) Sherman Creek	Kettle Falls 15	From the Colville National Forest boundary (Sec.30, T36N,R37E) downstream to mouth at Columbia River (Sec.27,T36N,R37E).

[Order DE 76-14, § 173-18-140, filed 5/3/76; Order 73-14, § 173-18-140, filed 8/27/73; Order DE 72-13, § 173-18-140, filed 6/30/72.]

WAC 173-18-150 Franklin county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	Hanford 15 Richland 15 Kennewick 7 1/2 Pasco 7 1/2	From Hanford Works boundary (Sec.23,T12N,R28E) downstream left bank only to (Sec.13,T9N,R28E) Questionable. The flow exceeds 200 cfs MAF at Hanford Works boundary.
(2) Esquat-zel Coulee*	Mesa * 15 Eltopia 15	From mouth of Old Maid Coulee (Sec.11,T12N,R30E) downstream to a sump (Sec. 12,T9N,R29E) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.
(3) Palouse River (Cont.)*	Starbuck 15	From Adams County line (Sec.5,T14N,R37E) downstream right bank only to mouth on Snake River (Sec.19, T13N,R37E). This stream has over 300 sq. miles of drainage area and over 200 cfs MAF flow at Adams County line.

Stream Name	Quadrangle Name and Size	Legal Description
(4) Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.

[Order 73-14, § 173-18-150, filed 8/27/73; Order DE 72-13, § 173-18-150, filed 6/30/72.]

WAC 173-18-160 Garfield county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek	Pomeroy 30 Hay 15 Zumwalt 7 1/2	From the confluence of Pataha Creek and Totman Gulch Stream (Sec.5,T11N, R41E) downstream to Columbia County line (Sec. 7,T12N,R40E).
(2) Snake River (Cont.)*	Clarkston 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Alinota 7 1/2 Penawawa 15 Hay 15	From the Asotin County line (Sec.6,T11N,R45E) downstream along Whitman County line left bank only to the Columbia County line (Sec.7,T13N,R40E). The flow exceeds 200 cfs MAF at Asotin County line. Under Federal jurisdiction.

[Order 73-14, § 173-18-160, filed 8/27/73; Order DE 72-13, § 173-18-160, filed 6/30/72.]

WAC 173-18-170 Grant county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	Grand Coulee Dam 15 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Evergreen Ridge 7 1/2 Priest Rapids 15	From the Douglas County line on the Columbia River (Sec.18,T20N,R23E) downstream left bank only to Hanford Works boundary (Sec.10,T13N,R24E). The flow exceeds 200 cfs MAF at Douglas County line.
(2) Crab Creek*	Marlin 7 1/2 Wilson Creek 15 Wilson Creek N.W. 7 1/2 Stratford 7 1/2 Soap Lake 7 1/2 Grant Orchards 7 1/2 Gloyd 7 1/2 Moses Lake North 7 1/2	From the Lincoln County line (Sec.13,T22N,R30E) downstream through Brook Lake to mouth at Parker Horn of Moses Lake (Sec. 14,T19N,R28E). This stream has over 300 sq. miles drainage area.
(3) Lind Coulee*	Basset Junction * 7 1/2 Sieler 7 1/2 Soda Lake 7 1/2 Corfu 15	From south section line (Sec. 18,T18N,R30E) downstream to mouth of Potholes Reservoir (Sec.1 and 12,T17N,R28E). This stream has over 300 sq. miles of drainage area ending at Lind Coulee in (Sec.18,T18N,R30E).
(4) Lower Crab Creek	Corfu 15 Smyrna 15 Beverly S.E. 7 1/2 Beverly 7 1/2	From CNW Refuge Bdy. (Sec. 36,T16N,R26E) downstream, excluding all federal lands to mouth at Columbia River (Sec.3,T15N,R23E).
(5) Rocky Ford Creek	Grant Orchards 7 1/2 Moses Lake N.W. 7 1/2	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N,R27E) downstream to mouth at Moses Lake (Sec. 8,T20N,R27E).
(6) Wilson Creek (Cont.)*	Almira S.W. 7 1/2 Hartline S.E. 7 1/2 Wilson Creek 15	From Lincoln County line (Sec.1,T24N,R30E) downstream to mouth at Crab Creek (Sec.12,T22N,R29E). This stream has over 300 sq. miles of drainage area.

[Order DE 76-14, § 173-18-170, filed 5/3/76; Order 73-14, § 173-18-170, filed 8/27/73; Order DE 72-13, § 173-18-170, filed 6/30/72.]

WAC 173-18-180 Grays Harbor county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Andrews Creek	Grayland 7 1/2	From the confluence of Andrews Creek and unnamed creek (SW1/4 NW1/4 of Sec.2, T15N,R11W) downstream to mouth at Beardslee Slough of South Bay (Sec.27,T16N, R11W).
(2) Big Creek	Humptulips 15	From the confluence of the Big Creek and South Branch of the Big Creek (Sec.2,T19N,R10W) downstream to mouth at Humptulips River (Sec.1, T19N,R11W).
(3) Bitter Creek	Wynoochee Valley 15	From a point on the north line of (Sec.11,T18N,R8W) intersecting with Bitter Creek downstream to mouth at Black Creek (same section).
(4) Black Creek	Wynoochee Valley 15	From the confluence of Black Creek and the unnamed creek (Sec.13, T18N,R8W) downstream to mouth at Wynoochee River (Sec.26,T18N,R8W).
(5) Black River (Cont.)	Rochester 15	From the Thurston County line (Sec.27,T16N,R4W) downstream to mouth at Chehalis River (Sec.5, T15N,R4W) excluding all federal lands.
(6) Boone Creek	Moclips 7 1/2	From an approximate point in the (NW1/4 of NW1/4 of SW1/4 Sec.4,T19N,R12W) downstream to mouth at Pacific Ocean, near Iron Springs (Sec.4,T19N,R12W).
(7) Canyon River (Cont.)	Mt. Tebo 15 Wynoochee Valley 15 Grisdale 15	Beginning at Mason Co. and Grays Harbor Co. line (Sec. 13,T21N,R7W) downstream to mouth at Satsop West Fork River (Sec.22,T20N,R7W).
(8) Carter Creek	Wynoochee Valley 15	From an approximate point on the west line of (NE1/4 Sec.12,T19N,R8W) downstream to mouth at Wynoochee River (Sec.14, T19N,R8W).
(9) Cedar Creek	Copalis Beach 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.23,T19N,R12W), downstream to mouth at Copalis River (Sec.22, T19N,R12W).
(10) Cedar Creek	Rochester 15	From the Thurston County line (Sec.2,T16N,R4W) downstream to mouth at Chehalis River (Sec.10, T16N,R5W).

Stream Name	Quadrangle Name and Size	Legal Description
(11) Charley Creek	Aberdeen 7 1/2	From a point between confluence of one unnamed creek and Charley Creek and confluence of another unnamed creek and Charley Creek (Sec.27,T17N,R9W) downstream to mouth at south channel of Grays Harbor (Sec.18,T17N,R9W).
(12) Chehalis River (Cont.)*	Rochester 15 Malone 15 Montesano 15 Aberdeen 7 1/2	From the Thurston Co. line (Sec.10,T15N,R4W) downstream on the southerly shore only (north shore on Indian Reservation). Both shores beginning (Sec. 25,T16N,R5W) downstream to mouth at Grays Harbor (Sec.9,T17N,R9W). The flow exceeds 1,000 cfs MAF at Thurston–Grays Harbor County line.
(13) Clo–quallum Creek	Elma 15 Malone 15	From the Mason Co. line (Sec.1,T18N,R6W) downstream to mouth at Chehalis River (Sec.2,T17N,R6W).
(14) Connor Creek	Copalis Beach 7 1/2	From the confluence of Cranberry Creek (Sec.10, T18N,R12W) downstream to mouth at Pacific Ocean (Sec.33,T19N,R12W).
(15) Copalis River	Quinault Lake 15 Macafee Hill 15 Carlisle 7 1/2 Moclips 7 1/2 Copalis Beach 7 1/2	From the intersection of Copalis River and unimproved road (Sec.30, T21N,R10W) downstream to mouth at Pacific Ocean (Sec.21,T19N,R12W).
(16) Decker Creek (Cont.)	Elma 15	Beginning at a point where Decker Creek crosses Grays Harbor Co. and Mason Co. line (Sec. 24,T20N,R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.25, of same Township).
(17) Deep Creek	Humptulips 15 Copalis Crossing 7 1/2	From the confluence of Deep Creek and unnamed creek (Sec.30,T19N,R10W) downstream to mouth at Humptulips River (Sec.22, T19N,R11W).
(18) Delezene Creek	Malone 15	From the confluence of the Delezene Creek and unnamed Creek (SE1/4 of NW1/4 Sec. 27,T17N,R6W) downstream to the Chehalis River (Sec.12,T17N,R6W).
(19) Donkey Creek	Quinault Lake 15	From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3,T21N,R9W) downstream to mouth at West Fork Humptulips River (Sec.16,T21N,R9W).
(20) Elkhorn Creek	Montesano 15	From the confluence of Elk Horn Creek and unnamed creek (Sec.10,T15N,R8W) downstream to Pacific Co. line (same section).
(21) Elk River (E. Br.)	Western 7 1/2	From the confluence of Elk River East Branch and unnamed creek (Sec. 5,T15N,R10W) downstream to mouth at Elk River (same section).
(22) Elk River	Western 7 1/2 Grayland 7 1/2	From the confluence of Elk River and East Branch Elk River (Sec.5,T15N, R10W) to mouth on South Bay (Sec.26,T16N,R11W).
(23) Garrard Creek	Malone 15	From the confluence of the Garrard Creek and the Kellogg Creek (Sec.8,T15N, R5W) downstream to mouth at the Chehalis River (Sec.1,T15N,R5W).
(24) Garrard Creek (S. Fk.) (Cont.)	Malone 15	From the Lewis County line SE corner (Sec.9,T15N, R5W) downstream to mouth at the Garrard Creek (Sec. 10,T15N,R5W).
(25) Hoquiam River	Humptulips 15 Hoquiam 7 1/2	From confluence of West and Middle Forks of Hoquiam River (Sec.22, T18N,R10W) downstream to mouth in Grays Harbor in Hoquiam (Sec.12,T17N,R10W).
(26) Hoquiam River (E. Fk.)	Humptulips 15 Hoquiam 7 1/2	From the confluence of the East Fork Hoquiam River and unnamed creek (Sec. 32,T20N,R9W) downstream to mouth at Hoquiam River (Sec.35,T18N,R10W).
(27) Hoquiam River (M. Fk.)	Humptulips 15	From approximately the south line of the (NE1/4 of the SE1/4 Sec.30,T19N, R9W) downstream to mouth at Hoquiam River (Sec.22, T18N,R10W).
(28) Hoquiam River (W. Fk.)	Humptulips 15	From intersection of West Fork Hoquiam River and middle duty road (Sec.34, T19N,R10W) downstream to mouth at Hoquiam River (Sec.22,T18N,R10W).
(29) Hump–tulips River*	Humptulips * 15 Carlisle 7 1/2 Copalis Crossing 7 1/2	From the confluence of East and West Forks of Humptulips River (Sec.2, T20N,R10W) downstream to mouth at North Bay (Sec. 21,T18N,R11W). The 1,000 cfs MAF point begins at confluence of East and West Forks.
(30) Hump–tulips River (E. Fk.)	Quinault Lake 15 Humptulips 15	From the Olympic National Forest boundary (Sec.12, T21N,R9W) downstream to confluence with West Fork Humptulips River (Sec.2, T20N,R10W).
(31) Hump–tulips River (W. Fk.)	Quinault Lake 15 Humptulips 15	From the Olympic National Forest boundary (Sec.9, T21N,R9W) downstream to confluence with East Fork Humptulips River (Sec.2, T20N,R10W).
(32) Inde–pendence Creek (cont.)	Rochester 15	From Lewis Co. line (Sec. 10,T15N,R4W) downstream to mouth on Chehalis River (same section).
(33) Joe Creek	Carlisle 7 1/2 Moclips 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18,T20N,R11W) downstream to mouth at Pacific Beach (Sec.20, T20N,R12W).
(34) Johns River (S. Fk.)	Western 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22, T16N,R10W) downstream to mouth at North Fork Johns River (same section).

Stream Name	Quadrangle Name and Size	Legal Description
(35) Johns River (N. Fk.)	Hoquiam 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N,R10W) downstream to mouth at Johns River (Sec. 22,T16N,R10W).
(36) Little River	Grisdale 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22,T21N,R7W) downstream to mouth at West Fork Satsop River (Sec.27,T21N, R7W).
(37) Little Hoquiam River	Hoquiam 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3, T17N,R10W) downstream to mouth at Hoquiam River (Sec.2,T17N,R10W).
(38) Little North River	Montesano 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 Sec.1,T16N,R8W) downstream to mouth at North River (Sec.8, T16N,R8W).
(39) Lower Salmon Creek	Montesano 15 Aberdeen S.E. 7 1/2	From the confluence of Lower Salmon Creek and unnamed creek (Sec.5, T15N,R8W) downstream to mouth at North River (Sec. 7,T15N,R9W) except where it passes thru Pacific County in (Sec.14 & 15, T15N,R9W).
(40) Moclips River	Moclips 7 1/2	From the Quinault Indian Reservation boundary (Sec. 9, T20N,R12W) downstream across said boundary and back, downstream to mouth at Pacific Ocean near the Town of Moclips (Sec.8, T20N,R12W).
(41) Mox Chehalis Creek	Elma 15 Malone 15	From the intersection of Mox Chehalis Creek and McCleary and Malone Road (Sec.24,T18N,R5W) downstream to mouth at Chehalis River (Sec.18, T17N,R5W).
(42) Newman Creek	Elma 15 Malone 15	From the intersection of Newman Creek and Newman Creek Road (Sec.29,T18N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N,R6W).
(43) Newskah Creek	Aberdeen 7 1/2	From a point approximately 200' west of confluence of Newskah Creek and unnamed creek (NW1/4 of SE1/4 Sec.4, T16N,R9W) downstream to mouth at South Channel of Grays Harbor (Sec.18,T16N, R9W).
(44) North River* (Cont.)	Montesano 15 Aberdeen S.E. 7 1/2	From the Pacific Co. line (Sec.10,T15N,R7W) downstream to Pacific Co. line again (Sec.7,T15N,R9W). The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7,T15N,R9W).
(45) Pioneer Creek	Malone 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25,T16N,R7W) downstream to mouth at the North River (Sec.4,T15N, R7W).
(46) Porter Creek	Rochester 15 Malone 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1,T17N, R5W) downstream to mouth at Chehalis River (Sec.28, T17N,R5W).
(47) Porter Creek (N. Fk.)	Rochester 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N,R4W) downstream to mouth at Porter Creek (Sec.1,T17N,R5W).
(48) Porter Creek (S. Fk.)	Rochester 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7, T17N,R4W) downstream to mouth at Porter Creek (Sec.1,T17N,R5W).
(49) Porter Creek (W. Fk.)	Rochester 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31, T18N,R4W) downstream to mouth at Porter Creek (Sec. 11,T17N,R5W).
(50) Rainie Creek (Rt. Fk.)	Malone 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N,R6W) downstream to Pacific County line (Sec.9,T15N,R6W).
(51) Raney Creek	Humptulips 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22,T20N,R9W) downstream to mouth at West Fork Wishkah River (Sec.26,T20N,R9W).
(52) Rock Creek	Malone 15	From the confluence of Rock Creek and unnamed creek (Sec.11,T16N,R6W) downstream to mouth at Chehalis River (Sec.15, T16N,R5W).
(53) Salmon Creek	Montesano 15	From the confluence of Salmon Creek and unnamed creek (Sec.13,T16N,R8W) downstream to mouth at North River (Sec.9,T16N, R8W).
(54) Sand Creek	Malone 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5,T17N,R5W) downstream to mouth at Mox Chehalis Creek (same section).
(55) Satsop River*	Wynoochee Valley * 15 Elma 15 Malone 15	From the confluence of East and West Forks of Satsop River (Sec.23,T18N, R7W) downstream to mouth at Chehalis River (Sec.7, T17N,R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23,T18N,R7W).
(56) Satsop River (E. Fk.)* (Cont.)	Elma * 15 Wynoochee Valley 15	From Mason Co. and Grays Harbor Co. line (Sec.6, T18N,R6W) downstream to mouth at Satsop River (Sec.23,T18N,R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3,T19W,R6W).

Stream Name	Quadrangle Name and Size	Legal Description
(57) Satsop River (M. Fk.) (cont.)	Mt. Tebo 15 Wynoochee Valley 15 Elma 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N,R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36, T19N,R7W).
(58) Satsop River (W. Fk.)	Grisdale 15 Wynoochee Valley 15	From the Olympic National Forest boundary (Sec.10, T21N,R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23,T18N,R7W).
(59) Schafer Creek	Wynoochee Valley 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1,T20N,R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N,R8W).
(60) Stevens Creek	Quinault Lake 15	From the confluence of Stevens Creek and unnamed creek (Sec.12,T21N,R10W) downstream to mouth at Humptulips River (Sec.12, T20N,R11W).
(61) Sylvia Creek	Montesano 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1,T17N,R8W) downstream to mouth at Wynoochee River (Sec.7, T17N,R7W).
(62) Unnamed Tributary to Humptulips River	Humptulips 15	From the confluence of two unnamed creeks (Sec. 14,T20N,R10W) downstream to mouth at Humptulips River (Sec.9,T20N,R10W).
(63) Vance Creek	Malone 15	From the intersection of Vance Creek and light duty road (Sec.3,T17N,R6W) downstream to mouth at Chehalis River (Sec.6, T17N,R6W).
(64) Vesta Creek (E. Fk.)	Malone 15 Montesano 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec.13, T16N,R7W) downstream to mouth at Vesta Creek (Sec. 14,T16N,R7W).
(65) Vesta Creek	Montesano 15	From confluence of East and West Forks of Vesta Creek (Sec.14,T16N,R7W) downstream to mouth on North River (Sec.32,T16N, R7W).
(66) Vesta Creek (W. Fk.)	Montesano 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec.3,T16N,R7W) downstream to mouth at Vesta Creek (Sec.14,T16N, R7W).
(67) Wedekind Creek	Wynoochee Valley 15	From the confluence of Wedekind Creek and unnamed creek (Sec.19, T18N,R8W) downstream to mouth at Wynoochee River (Sec.28,T18N,R8W).
(68) Wildcat Creek	Elma 15	From the confluence of East and West Forks of Wildcat Creek (Sec.16, T18N,R5W) downstream to mouth at Cloquallum Creek (Sec.30,T18N,R5W).
(69) Wildcat Creek (W. Fk.)	Elma 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec.16, T18N,R5W) downstream to confluence with East Fork Wildcat Creek (same section).
(70) Wildcat Creek (E. Fk.)	Elma 15	From the confluence of East Fork Wildcat Creek & unnamed creek (Sec.15, T18N,R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec. 16,T18N,R5W).
(71) Williams Creek	Malone 15	From the confluence of Williams Creek and unnamed creek (SE1/4 Sec.20,T16N,R5W) downstream to Rock Creek (Sec.16,T16N,R5W).
(72) Wishkah River (W. Fk.)	Humptulips 15	From the confluence of West Fork Wishkah River and unnamed creek (Sec.15, T20N,R9W) downstream to mouth at Wishkah River (Sec.22,T19N,R9W).
(73) Wishkah River (E. Fk.)	Wynoochee Valley 15 Humptulips 15	From the confluence of the East Fork Wishkah River and unnamed creek (Sec.28, T20N,R8W) downstream to mouth at Wishkah River (Sec.2,T18N,R9W).
(74) Wishkah River	Grisdale 15 Wynoochee Valley 15 Humptulips 15 Aberdeen 7 1/2	From the confluence of Wishkah River and unnamed creek inside the State Game Reserve (Sec.20,T21N, R8W) downstream to mouth at the Chehalis River at Aberdeen (Sec.9,T17N,R9W).
(75) Workman Creek	Malone 15	From the confluence of Workman Creek and unnamed creek (NW1/4 SE1/4 Sec.20, T17N,R6W) downstream to mouth at Chehalis River (Sec.9,T17N,R6W).
(76) Wynoochee River*	Grisdale 15 Wynoochee Valley* 15 Montesano 7 1/2	From the Olympic National Forest boundary (Sec.1, T21N,R8W) downstream to mouth at Chehalis River (Sec.18,T17N,R7W). The 1,000 cfs MAF point begins at mouth of Carter Creek (Sec.14,T19N,R8W).
(77) Johns River	Western 7 1/2 Hoquiam 7 1/2	From confluence of North Fork & South Fork Johns River (Sec.22,T16N,R10W) downstream to its mouth at Grays Harbor (Sec.36,T17N,R11W)
(78) Quinault River* (Cont.)	Kloochman Rock 15 Quinault Lk.	From Jefferson/Grays Harbor County line (Sec.1, T23W,R9W) downstream to mouth at Quinault Lake (Sec.16,T23W,R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor county line.

[Order DE 76-14, § 173-18-180, filed 5/3/76; Order 73-14, § 173-18-180, filed 8/27/73; Order DE 72-13, § 173-18-180, filed 6/30/72.]

WAC 173-18-190 Island county. Streams

Island County has no 20 cfs streams but has shorelines.

Island County has no 1,000 cfs MAF Rivers of state-wide significance.

[Order 73-14, § 173-18-190, filed 8/27/73; Order DE 72-13, § 173-18-190, filed 6/30/72.]

WAC 173-18-200 Jefferson county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Quilcene River	Mt. Walker 7 1/2 Quilcene 7 1/2	From the Olympic National Forest boundary (Sec.27, T27N,R2W) downstream to mouth at Quilcene Bay (Sec.19,T27N,R1W).
(2) Bogachiel River	Spruce Mt. 15 Forks 15	From the Olympic National Forest boundary (Sec.4, T27N,R12W) downstream to the Clallam County line (Sec.2,T27N,R13W).
(3) Cedar Creek	Destruction Island 15	From the confluence of Cedar Creek and the South Fork of Cedar Creek (Sec. 34,T26N,R13W) downstream to the Olympic National Park boundary (Sec.33, T26N,R13W).
(4) Chimacum Creek	Port Townsend S. 7 1/2	From the confluence of Chimacum Creek and unnamed creek in Chimacum Valley (Sec.11,T29N,R1W) downstream to mouth at Bay of Port Townsend (Sec. 35,T30N,R1W) near Irondale.
(5) Christmas Creek	Salmon River 15	From an approximate point near the center of (NE1/4 of Sec.2,T25N,R12W) downstream to mouth at Clearwater River (Sec.22, T25N,R12W).
(6) Clearwater River*	Kloochmon Rock 15 Salmon River* 15 Destruction Island 15	From the confluence of Clearwater River and unnamed creek (Sec.25, T26N,R10W) downstream (excluding federal lands) to Quinault Indian Reservation (Sec.29,T24N,R12W). The 1,000 cfs MAF point begins at mouth of Miller Creek (Sec.27,T25N,R12W).
(7) Dosewallips River	Brinnon 7 1/2	From the Olympic National Forest boundary between (Sec.25,T26N,R3W) and (Sec.30,T26N,R2W) downstream to mouth at Dabob Bay near Brinnon (Sec.2,T25N,R2W).
(8) Duckabush River	Brinnon 7 1/2	From the Olympic National Forest boundary between (Sec.17 & 18,T25N,R2W) downstream to mouth at Hood Canal (Sec.21,T25N, R2W).
(9) Fulton Creek	Brinnon 7 1/2 Holly 7 1/2	From the confluence of Fulton Creek and the South Fork of Fulton Creek (Sec. 30,T25N,R2W) downstream to mouth at Hood Canal (Sec.31,T25N,R2W).
(10) Goodman Creek	Forks 15 LaPush 15	From the confluence of Goodman Creek and unnamed creek (Sec.23,T27N,R13W) downstream to Olympic National Park boundary (Sec.23,T27N,R14W).
(11) Hoh River*	Spruce Mt. * 15 Forks 15 Destruction Island 15	From the Olympic National Park boundary (Sec.29, T27N,R10W) downstream to Hoh Indian Reservation boundary (Sec.20,T26N, R13W). The 1,000 cfs MAF point starts at the Olympic National Park boundary.
(12) Hoh River (S. Fk.)	Mt. Tom 15	From the Olympic National Park boundary (Sec.2,T26N, R10W) downstream to the Olympic National Forest boundary (Sec.29,T27N, R10W).
(13) Hurst Creek	Destruction Island 15	From an approximate point near the north line of (SE1/4 of NW1/4 of NE1/4 of Sec.17,T24N,R12W) downstream to mouth at the Clearwater River (Sec.19,T24N,R12W).
(14) Kalaloch Creek	Destruction Island 15	From the confluence of Kalaloch Creek & West Fork Kalaloch Creek (Sec.17, T25N,R13W) downstream to the Olympic National Park boundary (Sec.3,T24N, R13W).
(15) Little Quilcene River	Mt. Walker 7 1/2 Quilcene 7 1/2	From the Olympic National Forest boundary (Sec.33, T28N,R2W) downstream to mouth at Quilcene Bay (Sec.18,T27N,R1W).
(16) Maple Creek	Spruce Mt. 15	From the confluence of Maple Creek and Dry Creek (Sec.3,T26N,R11W) downstream to Hoh River (Sec.35,T27N,R11W).
(17) Matheny Creek	Salmon River 15	From the Olympic National Forest boundary (Sec.24, T24N,R11W) downstream to the Olympic National Park boundary (Sec.22,T24N, R11W).
(18) Miller Creek	Destruction Island 15 Salmon River 15	From the confluence of Miller Creek and unnamed creek (Sec.17,T25N,R12W) downstream to mouth at Clearwater River (Sec.27, T25N,R12W).
(19) Miller Creek (E. Fk.)	Salmon River 15	From the confluence of the East Fork Miller Creek and unnamed creek (Sec. 15,T25N,R12W) downstream to mouth at Miller Creek (Sec.27,T25N,R12W).
(20) Minter Creek	Forks 15	From the intersection of the north line of (Sec.30, T27N,R13W) and Minter Creek, downstream to Goodman Creek (Sec.24, T27N,R14W).
(21) Mosquito Creek	Forks 15	From the intersection of north line of (Sec.5, T26N,R13W) and Mosquito Creek, downstream to Olympic National Park boundary (Sec.36,T27N, R14W).
(22) Nolan Creek	Destruction Island 15 Forks 15	From an approximate point on the north line of (NE1/4 of SW1/4 of Sec.21,T26N, R12W) downstream to mouth at Hoh River (Sec.23,T26N, R13W).

Stream Name	Quadrangle Name and Size	Legal Description
(23) Owl Creek	Spruce Mt. 15	From an approximate point near the center of the north line of (SW1/4 of NE1/4 of Sec.8,T26N,R10W) downstream to mouth at Hoh River (Sec.35,T27N,R11W).
(24) Salmon River	Salmon River 15	From the Olympic National Forest boundary (Sec.36, T24N,R11W) downstream back to said boundary (Sec.35) coming out of Indian Reservation (Sec.36,T24N, R12W) returning to Indian Reservation & coming out again (Sec.35,T24N,R12W) downstream to Olympic National Forest boundary (same section).
(25) Shale Creek	Salmon River 15 Destruction Island 15	From an approximate point near the NE corner of the (SE1/4 of SW1/4 of Sec.26, T25N,R12W) downstream to mouth at Clearwater River (Sec.28,T25N,R12W).
(26) Snahapish River	Salmon River 15	From the intersection of Snahapish River and unimproved road (Sec.21, T26N,R11W) downstream to mouth at Clearwater River (Sec.19,T25N,R11W).
(27) Snow Creek	Uncas 7 1/2	From the confluence of Snow Creek and unnamed creek from Crocker Lake (Sec.2,T28N,R2W) downstream to mouth at Port Discovery (Sec.24, T29N,R2W).
(28) Solleks River	Kloochman Rock 15 Salmon River 15	From the confluence of Solleks River and unnamed creek (Sec.2,T25N,R10W) downstream to mouth at Clearwater River (Sec.10, T25N,R11W).
(29) Stequaleho Creek	Salmon River 15	From the confluence of the Stequaleho Creek and unnamed creek (Sec.19, T25N,R10W) downstream to mouth at Clearwater River (Sec.16,T25N,R11W).
(30) Winfield Creek	Spruce Mt. 15	From the confluence of Winfield Creek and unnamed creek (Sec.1,T26N,R12W) downstream to mouth at the Hoh River (Sec.27,T27N, R12W).
(31) Quinault River*	Mt. Christie * 15 Kloochman Rock 15	From east section line (Sec.33,T24N,R8W) downstream to Jefferson/Grays Harbor County line (Sec.1,T23N, R9W). Exclude federal land. The flow is over 1000 cfs MAF at east section line (Sec.33, T24N,R8W).

[Order DE 76-14, § 173-18-200, filed 5/3/76; Order 73-14, § 173-18-200, filed 8/27/73; Order DE 72-13, § 173-18-200, filed 6/30/72.]

WAC 173-18-210 King county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Bear Creek	Eagle Gorge 7 1/2	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28,T21N, R8E) downstream to mouth at Green River (Sec.20, same township).
(2) Bear Creek	Everett 15 Bothell 7 1/2	From the intersection of Bear Creek and the east section line (Sec.9,T26N, R5E) downstream to mouth at Sammamish River (same section).
(3) Bear	Redmond 7 1/2	From the confluence with Seidel Creek (Sec.20,T26N,R6E) downstream to mouth (Sec. 6,T25N,R6E).
(4) Beckler River (Cont.)	Skykomish 7 1/2	From the Snohomish County line (Sec.5,T26N,R12E) downstream to Skykomish River (South Fork) (Sec.25,T26N,R11E).
(5) Big Soos Creek	Auburn 7 1/2	From the confluence of the Big Soos Creek and the Little Soos Creek (Sec.35, T22N,R5E) downstream to mouth at Green River (Sec. 16,T21N,R5E).
(6) Black River	Renton 7 1/2 Des Moines 7 1/2	From confluence of Spring Brook Creek and Black River (Sec.13,T23N,R4E) downstream to mouth of Duwamish River (Sec.14, same township).
(7) Boise Creek	Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2	From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec.28, T20N,R7E) downstream to mouth at White River (Sec. 34,T20N,R6E).
(8) Boxley Creek	Bandera 15	From an approximate point (NW1/4 of SW1/4 of Sec.25, T23N,R8E) downstream to mouth at South Fork Snoqualmie River (Sec.24, same township).
(9) Calligan Creek	Mount Si 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N,R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31,T25N, R9E).
(10) Carroll Creek	Scenic 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R12E) downstream to mouth at Tye River (Sec.26, same township).
(11) Cedar River	North Bend 7 1/2 Hobart 7 1/2 Maple Valley 7 1/2 Renton 7 1/2 Mercer Island 7 1/2 Cumberland 7 1/2	From east section line (Sec.9,T21N,R10E) downstream to mouth at Lake Washington in Renton (Sec.7,T23N,R5E), excluding all federal lands.
(12) Champion Creek	Greenwater 15	From the confluence of Champion Creek and unnamed creek (Sec.28,T20N,R10E) downstream to mouth at Green River (Sec.20, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(13) Charley Creek	Eagle Gorge 7 1/2	From the Snoqualmie National Forest boundary (Sec.3,T20N,R8E) downstream to mouth at Howard Hansen Reservoir (Sec.34,T21N,R8E).
(14) Cherry Creek	Monroe 15 Monroe 7 1/2 Carnation 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).
(15) Coal Creek	Cumberland 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27,T21N,R7E) downstream to mouth at Fish Lake (Sec.31, same township).
(16) Covington Creek	Black Diamond 7 1/2 Auburn 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4,T21N,R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N,R5E).
(17) Evans Creek	Redmond 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8,T25N, R6E) downstream to mouth at Sammamish River (Sec.11,T25N,R5E).
(18) Foss River	Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T26N,R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).
(19) Friday Creek	Lester 15	From the confluence of Friday Creek and unnamed creek (Sec.18,T20N,R11E) downstream to mouth at the Green River (same section).
(20) Gale Creek	Bandera 15	From the confluence of Gale Creek and unnamed creek (Sec.36,T21N,R8E) downstream to mouth at Howard Hanson Reservoir (same section).
(21) Granite Creek	Bandera 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11,T23N,R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).
(22) Green River*	Lester 15 Greenwater 15 Bandera 15 Eagle Gorge* 7 1/2 Cumberland 7 1/2 Black Diamond 7 1/2 Auburn 7 1/2 Renton 7 1/2 Des Moines 7 1/2 Seattle South 7 1/2	From confluence of Green River & Tacoma Creek (Sec.35,T20N,R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18,T24N,R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28,T21N,R8E).
(23) Green River (N. Fk.)	Bandera 15 Eagle Gorge 7 1/2	From the Snoqualmie National Forest boundary (Sec.18,T21N,R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22,T21N,R8E).
(24) Cottage Lake Creek	Corps of Engineers Study Redmond 7 1/2	Beginning at the north line of (Sec.19,T26N,R6E) downstream to mouth at (Sec.30, same township).
(25) Greenwater River	Lester 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream to White River (along the northerly shore only) (Sec.4,T19N,R9E). Exclude federal lands.
(26) Griffin Creek	Lake Joy 7 1/2 Snoqualmie 7 1/2 Fall City 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec. 19,T25N,R8E) downstream to mouth at the Snoqualmie River (Sec.28,T25N,R7E).
(27) Hancock Creek	Mount Si 15	From an approximate point (NE1/4 or [of] NW1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).
(28) Harris Creek	Carnation 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N,R7E).
(29) Index Creek	Index 15 Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).
(30) Issaquah Creek	Hobart 7 1/2 Maple Valley 7 1/2 Issaquah 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25,T23N,R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N,R6E).
(31) Jenkins Creek	Black Diamond 7 1/2 Auburn 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36,T22N,R5E) downstream to mouth at Big Soos Creek (Sec.2,T21N,R5E).
(32) Kimball Creek	Snoqualmie 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31,T24N,R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).
(33) Maloney Creek	Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).
(34) Martin Creek	Scenic 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N,R12E) downstream to federal boundary (Sec.25, same township).
(35) May Creek	Mercer Island 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32,T24N,R5E) downstream to mouth at Lake Washington (same section).
(36) Mercer Slough	Mercer Island 7 1/2	From the east section line (Sec.5,T24N,R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(37) Miller River	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T26N,R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).
(38) Money Creek	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.28,T26N,R11E) downstream back to the Snoqualmie National Forest boundary (same section).
(39) Newaukum Creek	Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Black Diamond 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7,T20N,R7E) downstream to mouth at the Green River (Sec.29,T21N, R6E).
(40) North Creek (Cont.)	Everett 15 Bothell 7 1/2	From King County and Snohomish County line (Sec.5,T26N,R5E) downstream to mouth at Sammamish River (Sec.8, same township).
(41) North Fork Creek	Lake Joy 7 1/2	From the beginning of creek at swamp (Sec.18, T26N,R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).
(42) Patterson Creek	Fall City 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8,T24N,R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).
(43) Philippa Creek	Mount Si 15	From an approximate point (SE1/4 of Sec.22,T25N,R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).
(44) Pratt River	Snoqualmie Pass 15 Bandera 15 Mount Si 15	From east section line (Sec. 27,T23N,R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N,R10E) excluding federal lands.
(45) Raging River	North Bend 7 1/2 Hobart 7 1/2 Fall City 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25,T23N,R7E) downstream to mouth at Snoqualmie River(Sec.14,T24N,R7E) near Fall City.
(46) Rock Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.34,T20N,R10E) downstream to mouth at Green River (Sec.21, same township).
(47) Rock Creek	Hobart 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec. 16,T22N,R7E) downstream to mouth at the Cedar River (Sec.17, same township).
(48) Rock Creek	Maple Valley 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22,T22N, R6E) downstream to Cedar River (Sec.23, same township).
(49) Sammamish River	Redmond 7 1/2 Kirkland 7 1/2 Bothell 7 1/2 Edmonds East 7 1/2	From Sammamish Lake (Sec.13,T25N,R5E) downstream to mouth at Lake Washington (Sec.11,T26N,R4E).
(50) Sawmill Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.30,T20N,R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24,T20N, R10E).
(51) Scatter Creek	Enumclaw 15	From the confluence of Scatter Creek and unnamed creek (Sec.2,T19N,R7E) downstream to mouth at the White River (Sec.11, same township).
(52) Skykomish River* (S. Fk.)	Skykomish * 7 1/2 Grotto 7 1/2 Baring 7 1/2	From confluence of Tye River and Foss River (Sec. 31,T26N,R12E) downstream to Snohomish County line (Sec.3,T26N,R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N,R11E).
(53) Smay Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.7,T20N,R10E) downstream to mouth at Green River (Sec.13,T20N,R9E).
(54) Snoqualmie River*	Snoqualmie * 7 1/2 Fall City 7 1/2 Carnation 7 1/2 Redmond 7 1/2 Monroe 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec. 33,T24N,R8E) downstream to Snohomish County line (Sec.6,T26N,R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.
(55) Snoqualmie River (M. Fk.)*	Mount Si * 15 Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N,R10E) downstream to confluence with South Fork of Snoqualmie River (Sec. 33,T24N,R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.
(56) Snoqualmie River (N. Fk.)	Mount Si 15 Snoqualmie 7 1/2 North Bend 7 1/2	From the Snoqualmie National Forest boundary (Sec.12,T25N,R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34,T24N,R8E).
(57) Snoqualmie River (S. Fk.)	Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T23N,R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33,T24N, R8E) excluding all federal lands.
(58) Spring Brook Creek	Renton 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24,T23N,R4E) downstream to mouth at Black River (Sec.13, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(59) Sunday Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.3,T20N,R11E) downstream to mouth at the Green River (Sec.18, T20N,R11E). Exclude federal lands.
(60) Sunday Creek	Mount Si 15	From the Snoqualmie National Forest boundary (Sec.13,T25N,R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).
(61) Swamp Creek (Cont.)	Bothell 7 1/2	From Snohomish County line (Sec.2,T26N,R4E) downstream to mouth at Sammamish River (Sec.12, same township).
(62) Taylor Creek	Eagle Gorge 7 1/2 North Bend 7 1/2	From confluence of Middle Fork & South Fork Taylor Creek (Sec.32,T22N,R8E) downstream to mouth at Cedar River (Sec.13,T22N,R7E).
(63) Ten Creek	Snoqualmie 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11,T24N,R8E) downstream to mouth at Tokul Creek (Sec.9, same township).
(64) Tokul Creek	Lake Joy 7 1/2 Snoqualmie 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21,T25N,R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N,R7E).
(65) Tolt River	Lake Joy 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31,T26N,R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N,R7E).
(66) Tolt River (N. Fk.)	Mount Si 15 Lake Joy 7 1/2	From confluence with Titicaed Creek (Sec.12, T26N,R9E) downstream to mouth at Tolt River (Sec. 31,T26N,R8E).
(67) Tolt River (S. Fk.)	Mount Si 15 Lake Joy 7 1/2	From the Snoqualmie National Forest boundary (Sec.31,T26N,R10E) downstream to mouth at Tolt River (Sec.31,T26N,R8E).
(68) Tye River	Scenic 7 1/2 Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.26,T26N,R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
(69) Unnamed Tributary to Index Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at Index Creek (same section).
(70) Unnamed Tributary to Snoqualmie River (N. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29,T24N,R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
(71) Unnamed Tributary to Tolt River (S. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35,T26N,R8E) downstream to South Fork Tolt River (same section).
(72) White River*	Greenwater * 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4,T19N,R9E) downstream following King-Pierce County line to Pierce County line (Sec.36,T21N,R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
(73) Issaquah Creek (E. Fk.)	Issaquah 7 1/2	From railroad bridge (SE1/4 Sec.27,T24N,R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
(74) Cedar River (N. Fk.)	Snoqualmie Pass 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7,T21N, R11E) downstream to mouth at Cedar River (Sec.10, T21N,R10E) excluding federal lands.
(75) Cedar River (S. Fk.)	Snoqualmie Pass 15	From Snoqualmie National Forest boundary, east line of (Sec.23,T21N,R10E) downstream to mouth at Cedar River (Sec.10,T21N, R10E) excluding federal lands.
(76) Rex River	Bandera 15	From Snoqualmie National Forest south boundary (Sec.11,T21N,R9E). downstream to mouth at Chester Morse Lake (Sec.19,T22N,R9E).
(77) Taylor Creek (M. Fk.)	Eagle Gorge 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N,R8E) downstream to mouth at Taylor Creek (Sec.32, T22N,R8E).
(78) Taylor Creek (N. Fk.)	Eagle Gorge 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29,T22N,R8E) downstream to mouth at Taylor Creek (Sec.29,T22N,R8E).

[Order DE 77-15, § 173-18-210, filed 9/1/77; Order DE 76-14, § 173-18-210, filed 5/3/76; Order 73-14, § 173-18-210, filed 8/27/73; Order DE 72-13, § 173-18-210, filed 6/30/72.]

WAC 173-18-220 Kitsap county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Beef Creek	Wildcat Lake 7 1/2 Seabeck 7 1/2	From the confluence of Big Beef Creek and unnamed creek (Sec.34,T25N,R1W) downstream to mouth at Big Beef Harbor (Sec.15, same township).
(2) Black Jack Creek	Bremerton West 7 1/2	From the confluence of Black Jack Creek and unnamed creek (Sec.11, T23N,R1E) downstream to mouth at Sinclair Inlet (Sec.25,T24N,R1E).

Stream Name	Quadrangle Name and Size	Legal Description
(3) Burley Creek	Burley 7 1/2	From the confluence of Burley Creek and unnamed creek (Sec.12,T22N,R1E) downstream to mouth at Burley Lagoon (same section).
(4) Chico Creek	Bremerton West 7 1/2	From the confluence of Chico Creek and Dickerson Creek (Sec.8,T24N,R1E) downstream to mouth in Chico Bay on Dyes Inlet (Sec.5, same township).
(5) Curley Creek	Bremerton East 7 1/2	From an approximate point (NE1/4 of NE1/4 of Sec.8, T23N,R2E) downstream to mouth at Yukon Harbor (Sec.33,T24N,R2E).
(6) Tahuya River	Wildcat Lake 7 1/2	From the confluence of the Tahuya River and unnamed creek (Sec.25, T24N,R2W) downstream to Mason County line (Sec.1, T23N,R2W).
(7) Union River	Wildcat Lake 7 1/2 Belfair 7 1/2	From the confluence of Union River and East Fork Union River (Sec.10,T23N, R1W) downstream to Mason Co. line (Sec.9,T23N,R1W).

[Order 73-14, § 173-18-220, filed 8/27/73; Order DE 72-13, § 173-18-220, filed 6/30/72.]

WAC 173-18-230 Kittitas county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	Easton 15	From the Wenatchee National Forest boundary (Sec.35, T20N,R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21,T20N,R14E).
(2) Cabin Creek	Lester 15 Easton 15	From Wenatchee National Forest boundary (Sec.19, T20N,R13E) downstream to mouth on Yakima River (Sec.9,T20N,R13E).
(3) Cle Elum River*	Kachess Lake * 15 Easton 15 Cle Elum 15	From the Wenatchee National Forest boundary crossing Cle Elum Lake (Sec.33, 34 & 35,T21N, R14E) downstream to mouth at Yakima River (Sec.32, T20N,R15E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(5) Columbia River (Cont.)*	Rock Island Dam * 7 1/2 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Evergreen 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Priest Rapids 7 1/2	From the Chelan Co. line on the Columbia River (Sec. 5,T20N,R22E) downstream along the Douglas and Kittitas Co. line to Yakima Co. (Sec.32, T15N,R23E). The stream flow exceeds 200 cfs MAF at Chelan Co. line.
(6) Kachess River*	Kachess Lake * 15	From the Wenatchee National Forest (Sec.3, T20N,R13E) downstream through Lake Easton State Park and to mouth at Yakima River (same section). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(7) Little Creek	Easton 15	From the Wenatchee National Forest boundary (Sec.33,T20N,R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22,T20N,R14E).
(8) Log Creek	Lester 15	From confluence of Log Creek and unnamed creek (NW1/4, SW1/4 Sec.31,T20N, R13E) downstream to mouth on Cabin Creek (Sec.19, T20N,R13E).
(9) Manastash Creek	Yakima (AMS) Ellensburg 15 Ellensburg S. 7 1/2	From confluence of North and South Forks Manastash Creek (Sec.17,T17N,R17E) downstream to mouth on Yakima River (Sec.4,T17N, R18E).
(10) Manastash Creek (South Fork)	Cle Elum 15 Ellensburg 15 Manastash Lake 7 1/2	From the Wenatchee National Forest boundary (Sec.31,T18N,R16E) downstream to mouth at Manastash Creek (Sec.17, T17N,R17E).
(11) Swauk Creek	Thorp 15	From the Wenatchee National Forest boundary (Sec.10,T20N,R17E) downstream (excluding all federal lands) to mouth at Yakima River (Sec.20,T19N,R17E).
(12) Taneum Creek	Cle Elum 15 Thorp 7 1/2	From Wenatchee National Forest boundary (Sec.30, T19N,R16E) downstream (excluding all federal lands) to mouth on Yakima River (Sec.33,T19N,R17E).
(13) Teanaway River*	Mt. Stuart * 15 Cle Elum 15	From the confluence of the Middle Fork and the West Fork Teanaway River (Sec. 6,T20N,R16E) downstream to Yakima River (Sec.3, T19N,R16E). The 200 cfs MAF point begins at confluence of West Fork & North Fork Teanaway River (Sec.6,T20N,R16E).
(14) Teanaway River (M. Fk.)	Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.15,T21N,R15E) downstream to mouth at Teanaway River (Sec.6, T20N,R16E).
(15) Teanaway River (N. Fk.)	Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.4,T21N,R16E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).
(16) Teanaway River (W. Fk.)	Kachess Lake 15 Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.30,T21N,R15E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).
(17) Wilson Creek*	Ellensburg So. * 7 1/2 Kittitas 7 1/2	From mouth at Naneum Creek (Sec.30,T17N,R19E) downstream to mouth on Yakima River (Sec.31,T17N, R19E). This stream has over 300 sq. miles of drainage area ending at mouth of Cherry Creek (Sec.31,T17N,R19E).

Stream Name	Quadrangle Name and Size	Legal Description
(18) Yakima River*	Snoqualmie Pass * 15 Kachess 15 Easton 15 Cle Elum 15 Thorp 7 1/2 Ellensburg North 7 1/2 Ellensburg South 7 1/2 Wymer 7 1/2 Pamona 7 1/2 Kittitas 7 1/2	From the Wenatchee National Forest boundary (Sec.15,T21N,R12E) downstream (excluding all federal lands) to the Yakima Co. line (Sec.33, T15N,R19E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(19) Little Naches River*	Lester 15 Easton 15* Cliffdell 7 1/2	From confluence of North Fork & Middle Fork of Little Naches River (Sec.31,T19N,R12E) downstream left bank to mouth of Naches River (Sec.4,T17N,R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N,R14E).

[Order DE 77-15, § 173-18-230, filed 9/1/77; Order DE 76-14, § 173-18-230, filed 5/3/76; Order 73-14, § 173-18-230, filed 8/27/73; Order DE 72-13, § 173-18-230, filed 6/30/72.]

WAC 173-18-240 Klickitat county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Bowman Creek	Klickitat 15	From the confluence of Bowman Creek and unnamed creek (Sec.35,T5N,R14E) downstream to mouth at Little Klickitat River (Sec.10,T4N,R14E).
(2) Buck Creek	Willard 15	From the confluence of Buck Creek and unnamed creek (Sec.16,T4N,R10E) downstream to Skamania County line (Sec.35, same township).
(3) Columbia River (cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(4) Dead Canyon Creek	Klickitat 15	From the confluence of Dead Canyon Creek and unnamed creek (Sec.2,T5N, R13E) downstream to mouth at Klickitat River (Sec.12, same township).
(5) Gilmer Creek	Husum 15 Willard 15	From the confluence of Gilmer Creek and Hangman Creek (Sec.1,T4N,R10E) downstream to mouth at White Salmon River (Sec. 2,T4N,R10E).
(6) Klickitat River*	Mt. Adams 30 Klickitat* 15 The Dalles 15 White Salmon 15	From Yakima Indian Reservation (Sec.24,T6N,R13E) downstream to mouth on Columbia River (Sec.34, T3N,R12E). The stream flow exceeds 200 cfs MAF at Yakima Co. line.
(7) Little Klickitat River (E. Prong)	Satus Pass 15 Goldendale 15 Klickitat 15	From the confluence of Little Klickitat River, E. Prong and Dry Creek (Sec. 10,T5N,R17E) downstream to mouth at Klickitat River (Sec.9,T4N,R14E).
(8) Major Creek	Husum 15 White Salmon 15	From the confluence of Major Creek, East Fork and West Fork (Sec.12,T3N, R11E) downstream to mouth at Columbia River (Sec.31, T3N,R12E).
(9) Mill Creek	Goldendale 15 Klickitat 15	From the confluence of Mill Creek and unnamed creek (Sec.13,T4N,R14E) downstream to mouth at Little Klickitat River (Sec.14, same township).
(10) Rattlesnake Creek	Husum 15	From the confluence of Rattlesnake Creek and unnamed creek (Sec.29,T5N, R12E) downstream to mouth at White Salmon River (Sec.30,T4N,R11E).
(11) Rock Creek	Satus Pass 15 Goodnoe Hills 7 1/2 The Dalles AMS (1:250,000)	From the confluence of Rock Creek and Luna Gulch (Sec.23,T4N,R18E) downstream to mouth at Columbia River (Sec.32, T3N,R19E).
(12) Snyder Canyon Creek	Klickitat 15	From an approximate point (NW1/4 of NE1/4 Sec.16,T4N, R13E) downstream to mouth at Klickitat River (Sec. 23,T4N,R13E).
(13) Swale Creek	Wishram 15 The Dalles 15 Klickitat 15	From the north section line (Sec.30,T3N,R15E) downstream to the mouth at Klickitat River (Sec. 18,T4N,R14E).
(14) Trout Lake Creek*	Steamboat Mt. 30 Willard* 15	From the Skamania County line (Sec.6,T6N,R10E) downstream through Trout Lake to mouth at White Salmon River (Sec.24, same township). The flow at the Skamania County–Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.
(15) White Salmon River*	Steamboat Mt. 30 Willard* 15 Husum 15	Beginning at National Forest boundary (Sec.3, T6N,R10E) downstream to mouth at Columbia River (Sec.23,T3N,R10E) excluding that part of west bank within Skamania County. The flow at Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.

[Order DE 76-14, § 173-18-240, filed 5/3/76; Order 73-14, § 173-18-240, filed 8/27/73; Order DE 72-13, § 173-18-240, filed 6/30/72.]

WAC 173-18-250 Lewis county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	Randle 15 Mineral 15	From confluence of Big Creek and Tealey Creek (Sec.4,T14N,R7E) downstream to mouth at Nisqually River (Sec.34,T15N,R6E).
(2) Brim Creek	Ryderwood 15 Castle Rock 15	From confluence of Brim Creek and North Fork at (Sec.24,T11N,R3W) downstream to mouth at Stillwater Creek (Sec.25,T11N,R3W).

Stream Name	Quadrangle Name and Size	Legal Description
(3) Bunker Creek	Adna 15	Beginning in the (SE1/4 of NE1/4 Sec.17,T14N,R4W) downstream to mouth at Chehalis River (Sec.6,T13N, R3W).
(4) Butter Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at (Sec.3,T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).
(5) Catt Creek	Mt. Rainier 30 Mineral 15 Randle 15	Beginning at Snoqualmie National Forest boundary (Sec.13,T14N,R6E) downstream to mouth at Big Creek (Sec.2,T14N,R6E).
(6) Cedar Creek	Toutle 15	From confluence of Cedar Creek and unnamed Creek (Sec.11,T11N,R1E) downstream to Salmon Creek (Sec.36,T11N,R1W).
(7) Chehalis River*	Skamokawa 15 Pe Ell 15 Adna* 15 Centralia 15 Rochester 15	From confluence of East Fork, West Fork and Chehalis River at (Sec. 10,T11N,R5W) downstream to Lewis Co. and Thurston Co. line (Sec.26,T15N, R3W). The 1,000 cfs MAF point begins at mouth of South Fork Chehalis River (Sec.13,T13N,R4W).
(8) Chehalis River (E. Fk.)	Skamokawa 15	From confluence of Chehalis River East Fork and unnamed creek (Sec.27, T11N,R5W) downstream to mouth at confluence of West Fork Chehalis River and Chehalis River (Sec. 10,T11N,R5W).
(9) Chehalis River (W. Fk.)	Skamokawa 15	From confluence of Chehalis River West Fork and unnamed creek (Sec.20, T11N,R5W) downstream to mouth at confluence of East Fork and Chehalis River (Sec.10,T11N,R5W).
(10) Chehalis River (S. Fk.) (Cont.)	Ryderwood 15 Adna 15	Beginning where the Chehalis River South Fork crosses the Lewis Co. and Cowlitz Co. line (Sec.2, T10N,R4W) downstream to mouth at Chehalis River (Sec.13,T13N,R4W).
(11) Cinnabar Creek	Onalaska 15	Beginning at (NW1/4 of SW1/4 Sec.13,T13N,R2E) downstream to mouth at Tilton River (Sec.26,T13N,R2E).
(12) Cispus River*	Steamboat Mt. 30 Spirit Lake 15 Greenhorn Buttes 7 1/2 Tower Rock* 7 1/2	Beginning in the Gifford Pinchot National Forest (Sec.18,T11N,R8E) downstream to the mouth at Cowlitz River (Sec.31,T12N,R6E). The 1,000 cfs MAF point is at Gifford Pinchot National Forest boundary. Exclude federal lands.
(13) Coal Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1,T13N,R9E) downstream to mouth at Cowlitz River (same section).
(14) Connelly Creek	Morton 15	Beginning at confluence with Heller Creek (Sec.23,T13N,R4E) downstream to mouth at Tilton River (Sec.35, of same township).
(15) Cowlitz River*	Mt. Rainier 30 Randle 15 Mineral 15 Spirit Lake 15 Packwood* 15 Greenhorn Butte 7 1/2 Elk Rock 15 Morton 15 Onalaska 15 Toutle 15 Castle Rock 15	Starting at the Gifford Pinchot National Forest boundary (Sec.1,T13N,R9E) downstream to Cowlitz Co. line (Sec.33,T11N, R2W). The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(16) Crim Creek	Pe Ell 15	From confluence of Crim Creek and unnamed creek (Sec.19,T12N,R5W) downstream to mouth at Chehalis River (Sec.10, same township).
(17) Davis Creek	Mt. Rainier 30	Beginning at Gifford Pinchot National Forest boundary north section line (Sec.16,T12N,R8E) downstream to mouth at Cowlitz River (Sec.17, of same township).
(18) Deep Creek	Adna 15	From confluence of Deep Creek and Tapp Creek (Sec. 24,T14N,R4W) downstream to mouth at Bunker Creek (Sec.6,T13N,R3W).
(19) Deschutes River	Morton 15 Ohop Valley 15	From confluence of West Fork and Deschutes River (Sec.1,T14N,R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24,T15N,R3E).
(20) Devils Creek	Elk Rock 15 Toutle 15	Starting at (NW1/4 of NW1/4 Sec.31,T11N,R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36,T11N,R2E).
(21) Dillenbaugh Creek	Centralia 15	From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9, T13N,R2W) downstream to mouth at Chehalis River (Sec.31,T14N,R2W).
(22) East Creek	Mineral 15 Kapowsin 15	Beginning at approximately the 1/4 corner on west section line (Sec.6,T14N, R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N,R5E).
(23) Eight Creek (Cont.)	Pe Ell 15	Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7,T13N,R5W) downstream to mouth at Elk Creek (Sec.8,T13N, R5W).
(24) Elk Creek (Cont.)	Pe Ell 15	Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6, T13N,R5W) downstream to mouth at Chehalis River (Sec.3 of same township).
(25) Elk Creek	Elk Rock 15	From confluence of Elk Creek and unnamed creek (Sec. 27,T11N,R4E) downstream to mouth at Green River (Sec.32,T11N,R4E).

Stream Name	Quadrangle Name and Size	Legal Description
(26) Gallup Creek	Mineral 15	From confluence of Gallup Creek and unnamed creek (Sec.1,T13N,R5E) downstream to mouth at Mineral Creek (Sec.25,T14N,R5E).
(27) Garrard Creek (South Fork)	Malone 15	From confluence of Garrard Creek South Fork and unnamed Creek (Sec.16, T15N,R5W) downstream to Grays Harbor Co. line (Sec.9, same township).
(28) Green River (Cont.)	Spirit Lake 15 Elk Rock 15	From south line (Sec.33,T11N,R4E) Lewis–Skamania county line downstream to Lewis–Skamania county line (Sec.31, same township) downstream to Lewis–Cowlitz county line (Sec.31,T11N,R4E).
(29) Halfway Creek	Adna 15	From confluence of Halfway Creek and unnamed creek (Sec.9,T12N,R4W) downstream to mouth at Stillman Creek (Sec.14, same township).
(30) Hall Creek	Mt. Rainier 30 Packwood 15	From the North Sec. line (Sec.27,T13N,R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land).
(31) Hanaford Creek	Onalaska 15 Tenino SW 7 1/2 Centralia 15 Bucoda 7 1/2	Beginning at (NE1/4 of NW1/4 Sec.5,T14N,R1E) downstream to mouth at Skookumchuck River (Sec.33,T15N,R2W).
(32) Hanlan Creek	Ryderwood 15	From confluence of Hanlan Creek and unnamed creek (Sec.34,T11N,R4W) downstream to mouth at Chehalis River (Sec.35, of same township).
(33) Inde–pendence Creek	Rochester 15	From confluence of Independence Creek and unnamed creek (Sec.29, T15N,R4W) downstream to Grays Harbor Co. line (Sec.15,T15N,R4W).
(34) Johnson Creek	Mt. Rainier 30 Packwood 15	Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32,T13N, R9E) downstream to mouth at Cowlitz River (same section).
(35) Jones Creek	Pe Ell 15	From confluence of Jones Creek and Katula Creek (Sec.23,T13N,R5W) downstream to mouth at Chehalis River (same section).
(36) Kearney Creek	Onalaska 15	From confluence of Kearney Creek and Door Creek (Sec. 18,T13N,R2E) downstream to mouth at Newaukum River South Fork (Sec.13,T13N, R1E).
(37) King Creek	Centralia 15 Castle Rock 15	From confluence of King Creek and unnamed creek (Sec.29,T12N,R2W) downstream to mouth at Olequa Creek (Sec.28, same township).
(38) Kiona Creek	Mineral 15 Randle 15	Beginning at Gifford Pinchot National Forest boundary (Sec.4,T12N,R6E) downstream to mouth at Cowlitz River (Sec.20, T12N,R7E).
(39) Klic–kitat Creek	Onalaska 15	From confluence of Klickitat Creek and unnamed creek (Sec.14, T12N,R2E) downstream to mouth at Mayfield Lake (Sec.10, same township).
(40) Lacamas Creek	Centralia 15 Castle Rock 15	From confluence of Lacamas Creek and Baker Creek (Sec. 15,T12N,R1W) downstream to mouth at Cowlitz River (Sec.27,T11N,R2W).
(41) Lake Creek	Adna 15	Beginning at (SE1/4 of NW1/4 Sec.21,T12N,R3W) downstream to mouth at Chehalis River South Fork (Sec.30,T13N,R3W).
(42) Lake Creek	Mineral 15	Beginning at outlet on Anderson Lake (Sec.15, T14N,R6E) downstream to mouth at Catt Creek (Sec. 2,T14N,R6E).
(43) Lake Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at west section line (Sec.12,T13N,R9E) downstream to mouth at Cowlitz River (Sec.11, same township).
(44) Landers Creek	Spirit Lake 15	From an approximate point in center of (SE1/4 Sec.7, T11N,R5E) downstream to mouth on Davisson Lake (Sec.7,T11N,R5E).
(45) Lincoln Creek	Adna 15 Rochester 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5,T14N,R4W) downstream to mouth at Chehalis River (Sec.35, T15N,R3W).
(46) Lincoln Creek (N. Fork)	Adna 15	Beginning at the (NW1/4 of NE1/4 Sec.6,T14N,R4W) downstream to mouth Lincoln Creek (Sec.5, same township).
(47) Lincoln Creek (S. Fork)	Adna 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N,R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).
(48) Lost Creek	Adna 15	From confluence of Lost Creek and unnamed creek north section line (Sec. 10,T12N,R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).
(49) Lucas Creek	Onalaska 15 Centralia 15	From confluence of Lucas Creek and unnamed creek (Sec.5,T13N,R1E) downstream to mouth at Newaukum River North Fork (Sec.2,T13N,R1W).
(50) Mill Creek	Onalaska 15	Beginning at the (NW1/4 of SW1/4 Sec.28,T13N,R2E) downstream to mouth at Cowlitz River (Sec.23, T12N,R1E).

Stream Name	Quadrangle Name and Size	Legal Description
(51) Mineral Creek	Mineral 15	From confluence of Mineral Creek and unnamed creek (Sec.9,T13N,R6E) downstream to mouth at Nisqually River (Sec.26, T15N,R5E).
(52) Mineral Creek (N. Fk.)	Mineral 15	Beginning at the (NW1/4 of SW1/4 Sec.35,T14N,R6E) downstream to mouth at Mineral Creek (Sec.10, T14N,R5E).
(53) Newaukum River (M. Fk.)	Centralia 15	From confluence of Newaukum River Middle Fork and unnamed creek (NE of other unnamed creek) (Sec. 22,T13N,R1W) downstream to mouth at North Fork Newaukum River (Sec.20 of same township).
(54) Newaukum River (N. Fk.)	Onalaska 15	From confluence of Newaukum River North Fork and unnamed creek (Sec. 13,T14N,R1E) downstream to mouth at Newaukum River (Sec.18,T13N,R1W).
(55) Newaukum River (S. Fk.)	Onalaska 15	Beginning at the (NE1/4 of SE1/4 Sec.27,T14N,R2E) downstream to mouth at Newaukum River (Sec.19, T13N,R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31,T14N,R2W).
(56) Nis–qually River*	Randle 15 Kapowsin* 15 Mount Wow 7 1/2 Mineral 15	Beginning at the Snoqualmie National Forest boundary left (south) bank only (Sec.33,T15N,R7E) downstream through Alder Reservoir to Lewis Co., Pierce Co., and Thurston Co. lines in the Reservoir (Sec.29,T15N,R5E). The 1,000 cfs MAF point begins at mouth of Mineral Creek (Sec.26,T15N,R5E).
(57) Olequa Creek	Centralia 15 Castle Rock 15	From confluence of Olequa Creek and unnamed creek closest to GN, NP, UP Railroad track (Sec.21, T12N,R2W) downstream to Lewis Co. and Cowlitz Co. line (Sec.32,T11N,R2W).
(58) Quartz Creek	Spirit Lake 15	From the National Forest boundary (Sec.10,T11N, R6E) downstream to mouth on Cispus River (same section).
(59) Rainy Creek	Mineral 15 Spirit Lake 15	From confluence of Rainy Creek and unnamed creek (Sec.8,T12N,R6E) downstream to mouth at Davisson Lake (Sec.27,T12N,R5E).
(60) Rock Creek	Pe Ell 15	Beginning at a point approximately at the 1/4 corner (Sec.1,T12N,R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33,T13N,R5W).
(61) Roger Creek	Skamokawa 15 Pe Ell 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec. 27,T12N,R5W) downstream to mouth at Chehalis River (Sec.22,T12N,R5W).
(62) Roundtop Creek	Mineral 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N,R5E) downstream to mouth at Mineral Creek (Sec.3, same township).
(63) Salmon Creek	Toutle 15 Castle Rock 15	From confluence of Salmon Creek and Rapid Creek (Sec. 17,T11N,R2E) downstream to Lewis Co. and Cowlitz Co. line, excluding Salmon Creek on Cowlitz Co. side (Sec.34,T11N,R1W) downstream to mouth at Cowlitz River (Sec.19,T11N,R1W).
(64) Salzer Creek	Centralia 15	From the confluence of Salzer Creek and unnamed creek (Sec.23,T14N,R2W) downstream to Chehalis River (Sec.18,T14N,R2W).
(65) Shelton Creek	Morton 15 Elk Rock 15	From confluence of Shelton Creek and unnamed creek (Sec.27,T12N,R4E) downstream to mouth at Davisson Lake (Sec.27, same township).
(66) Siler Creek	Mt. Rainier 30 Randle 15	From confluence of Siler Creek and unnamed creek (Sec.27,T12N,R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.
(67) Silver Creek	Randle 15	From confluence of Silver Creek and Lynx Creek (Sec.22,T13N,R7E) downstream to Cowlitz River (Sec.15,T12N,R7E). Exclude federal lands.
(68) Skate Creek	Mt. Rainier 30 Packwood 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8,T13N, R9E) downstream to mouth at Cowlitz River (Sec.21, same township).
(69) Skookum–chuck River	Morton 15 Onalaska 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 Centralia 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7,T14N,R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28,T15N,R2W) to mouth (Sec.7,T14N,R2W).
(70) Smith Creek	Mt. Rainier 30 Packwood 15	From the Gifford Pinchot National Forest boundary (Sec.5,T12N,R9E) downstream to Cowlitz River (Sec.32,T13N,R9E).
(71) South Hanaford Creek	Centralia 15 Tenino S.W. 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12,T14N,R2W) downstream to mouth at Hanaford Creek (Sec.26, T15N,R2W).
(72) Stearns Creek	Centralia 15 Adna 15	From confluence of Stearns Creek and unnamed creek (Sec.32,T13N,R2W) downstream to mouth at Chehalis River (Sec.2, T13N,R3W).

Stream Name	Quadrangle Name and Size	Legal Description
(73) Stillman Creek	Ryderwood 15 Adna 15	From confluence of Stillman Creek and unnamed creek (Sec.14,T11N, R4W) downstream to mouth at Chehalis River South Fork (Sec.2,T12N,R4W).
(74) Still-water Creek (Cont.)	Ryderwood 15 Castle Rock 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34,T11N,R3W) downstream to mouth at Olequa Creek (Sec.32,T11N, R2W).
(75) Stowe Creek	Pe Ell 15	From confluence of Stowe Creek and Sand Creek (Sec. 35,T13N,R5W) downstream to mouth at Chehalis River (Sec.34, same township).
(76) Thrash Creek	Skamokawa 15	Beginning at (SE1/4 of NE1/4 Sec.31,T12N,R5W) downstream to mouth at Chehalis River (Sec.33, same township).
(77) Tilton River	Mineral 15 Onalaska 15 Morton 15	Beginning at the closest point on Tilton River to center of (Sec.5,T13N, R5E) downstream to mouth at Mayfield Lake (Sec.26, T13N,R2E).
(78) Tilton River (E. Fk.)	Mineral 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N,R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25, T13N,R4E).
(79) Tilton River (N. Fk.)	Morton 15	From north section line Forest boundary (Sec.3, T13N,R3E) downstream to mouth at Tilton River (Sec.30,T13N,R4E). Exclude federal lands.
(80) Tilton River (S. Fk.)	Mineral 15	Beginning in (NE1/4 of NE1/4 Sec.32,T13N,R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25,T13N,R4E).
(81) Tilton River (W. Fk.)	Mineral 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2, T13N,R4E) downstream to mouth at Tilton River (Sec.19,T13N,R5E).
(82) Unnamed Trib. to Newaukum River (S. Fk.)	Onalaska 15	From confluence of unnamed creek and unnamed creek (Sec.27,T14N,R2E) downstream to mouth at Newaukum River South Fork (same section).
(83) Unnamed Trib. to Stillman Creek	Ryderwood 15	From confluence of unnamed creek and unnamed creek (Sec.9,T11N,R4W) downstream to mouth at Stillman Creek (Sec.34,T12N,R4W).
(84) Willame Creek	Mt. Rainier 30 Packwood 15	From Gifford Pinchot National Forest boundary (Sec.31,T13N,R9E) downstream to Cowlitz River (Sec.6,T12N,R9E).
(85) Winston Creek	Elk Rock 15 Onalaska 15 Toutle 15	From confluence of Winston Creek and Thurston Creek (Sec.11,T11N,R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N,R2E).
(86) Winston Creek (S. Fk.)	Elk Rock 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9,T11N, R3E) downstream to mouth at Winston Creek (Sec.36, T12N,R2E).
(87) Little Nisqually River	Morton 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9,T14N,R4E) downstream to Lewis-Thurston county line (Sec.28,T15N,R4E). Exclude federal lands.

[Order DE 76-14, § 173-18-250, filed 5/3/76; Order 73-14, § 173-18-250, filed 8/27/73; Order DE 72-13, § 173-18-250, filed 6/30/72.]

WAC 173-18-260 Lincoln county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.
(2) Crab Creek*	Sprague Lake NE 7 1/2 Sprague Lake 7 1/2 Sprague Lake SW 7 1/2 Harrington SE 7 1/2 Lamona WA 7 1/2 U.S.G.S. Blue Line Advance Sylvan Lake 7 1/2 Odessa 7 1/2 Irby 7 1/2 Marlin SW 7 1/2 Marlin 7 1/2	From the confluence of Rock Creek and Crab Creek (Sec.18,T22N,R38E) downstream through Sylvan Lake to Grant County line (Sec.18, T22N,R31E). This stream has over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34,T22N,R37E).
(3) Negro Creek	Sprague 15	From the confluence of Negro Creek and unnamed creek in the town of Sprague (Sec.23,T21N, R38E) downstream to mouth at Sprague Lake (Sec.21, same township).
(4) Spokane River*	Wellpinit * 15 Turtle Lake 15 Lincoln 15	From the Spokane County line (Sec.24,T27N,R39E) starting on left bank of Long Lake (SE corner of same section) thence downstream along left bank of Long Lake to Spokane River, thence downstream on left bank to (Sec.27,T27N,R38E). This stream has both over 200 cfs MAF flow and over 300 sq. miles of drainage area at Spokane County line.

Stream Name	Quadrangle Name and Size	Legal Description
(5) Wilson Creek*	Almira * 7 1/2 Almira SW 7 1/2	From mouth of Corbett Draw (Sec.16,T25N,R31E) downstream to Grant County line (Sec.6,T24N, R31E). This stream has over 300 sq. miles of drainage area ending at mouth of Corbett Draw.

[Order 73–14, § 173–18–260, filed 8/27/73; Order DE 72–13, § 173–18–260, filed 6/30/72.]

WAC 173–18–270 Mason county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Baker Creek	Mt. Tebo 15	Beginning at Olympic National Forest boundary, at center of (Sec.10,T21N,R6W) downstream to mouth at Satsop River Middle Fork (Sec.16, same township). Exclude federal land.
(2) Bingham Creek	Mt. Tebo 15 Elma 15	Beginning at (SW1/4 of NE1/4 Sec.31,T21N,R5W) downstream to mouth at East Fork Satsop River (Sec.11,T19N,R6W).
(3) Canyon River	Mt. Tebo 15 Grisdale 15	Beginning at Olympic National Forest boundary at north section line (Sec.18, T21N,R6W) downstream to Mason County, Grays Harbor County line (same section).
(4) Clo–quallum Creek	Elma 15	From a point near intersection of a road and Cloquallum Creek (Sec.14,T19N,R5W) downstream to Grays Harbor County line (Sec.36,T19N,R6W).
(5) Coulter Creek	Belfair 7 1/2	From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N,R1W) downstream to mouth of North Bay (same section).
(6) Cran–berry Creek	Potlatch 15	Beginning at NE point of Cranberry Lake (Sec. 28,T21N,R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).
(7) Decker Creek	Elma 15	Beginning at (NW1/4 of SE1/4 Sec.18,T20N,R6W) downstream to (Sec.19, T20N,R6W) and Grays Harbor County, Mason County line returning to Mason County line at (Sec.30,T20N,R6W) on downstream to mouth at Satsop River East Fork (Sec.31,T19N,R6W).
(8) Deer Creek	Mason Lake 7 1/2 Potlatch 15	From confluence of Deer Creek and unnamed creek (SW1/4 of SE1/4 Sec.19, T21N,R2W) downstream to mouth on Oakland Bay (Sec.36,T21N,R3W).
(9) Dewatto River	Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15	From a point approximately 1000' north of section line in (SE1/4 of Sec.6,T23N,R2W) downstream to mouth at Dewatto Bay on Hood Canal (Sec.28,T23N, R3W).
(10) Dry Bed Creek	Mt. Tebo 15 Elma 15	Beginning where Dry Bed Creek crosses the Beeville Loop Road at (Sec.27,T21N,R6W) downstream to mouth at Decker Creek (Sec.5, T19N,R6W).
(11) Dry Creek	Mt. Tebo 15	Beginning where Dry Creek crosses unimproved road at center of (Sec. 35,T21N,R6W) downstream to mouth at Dry Bed Creek (Sec.3,T20N,R6W).
(12) Dry Run Creek	Elma 15	Beginning at (NE1/4 of NW1/4) at South Bend Creek (Sec.27,T19N,R6W) downstream to mouth at Satsop River East Fork (Sec.28 of same township).
(13) Gols–borough Creek (S. Fork)	Elma 15 Shelton 15	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25,T20N,R5W) downstream to mouth at Oakland Bay (Sec.20, T20N,R3W).
(14) Gosnell Creek	Shelton 15 Olympia 15 Squaxin Island 7 1/2	From confluence of Gosnell Creek and unnamed creek (Sec.10, T19N,R4W) downstream through Isabella Lake to mouth at Hammersley Inlet of Puget Sound (Sec.25,T20N,R3W).
(15) Hamma Hamma River	The Brothers 15	Beginning where the Hamma Hamma River crosses the Olympic National Forest boundary (Sec.7, T24N,R3W) downstream to mouth at Hood Canal of Puget Sound (Sec.27 of same township).
(16) Jeffer–son Creek	The Brothers 15	Beginning where Jefferson Creek crosses the Olympic National Forest boundary at NW corner (Sec.18,T24N,R3W) downstream to mouth at Hamma Hamma River (Sec.8 of same township) (excluding federal Lands).
(17) Johns Creek	Potlatch 15 Shelton 15	Beginning where Johns Creek crosses light–duty road (Sec.30,T21N,R3W) downstream to mouth at Oakland Bay (Sec.3,T20N, R3W).
(18) Kennedy Creek (Cont.)	Shelton 15	From the Thurston County line (Sec.31,T19N,R3W) downstream to mouth at Oyster Bay (Sec.32,T19N, R3W).
(19) Lilli–waup Creek	Potlatch 15	Beginning in the Lilliwaup Swamp (Sec.11, T23N,R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec. 30,T23N,R3W).

Stream Name	Quadrangle Name and Size	Legal Description
(20) McTaggert Creek	Potlatch 15	From confluence of McTaggert Creek and Frigid Creek at (Sec.30, T22N,R4W) downstream to Skokomish River North Fork (same section).
(21) Mission Creek	Lake Wotten 7 1/2 Belfair 7 1/2	From confluence of Mission Creek and unnamed creek (Sec.24, T23N,R2W) downstream to mouth at Hood Canal (Sec.1,T22N,R2W).
(22) Rendsland Creek	Potlatch 15	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec. 17,T22N,R3W) downstream to mouth at Hood Canal (Sec.19 same township).
(23) Satsop River (E. Fork)	Elma 15	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec. 22,T20N,R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31, T19N,R6W).
(24) Satsop River (M. Fork)	Mt. Tebo 15 Elma 15	From the Olympic National Forest boundary (Sec.16,T21N,R6W) downstream to Mason Co., Grays Harbor Co. line (Sec.6,T20N,R6W) reentering Mason Co. at (Sec.31,T19N,R6W) to mouth at Satsop River East Fork.
(25) Shumocher Creek	Potlatch 15 Mason Lake 7 1/2	From confluence of Shumocher Creek and unnamed creek (Sec.13, T21N,R3W) downstream to mouth at Mason Lake (Sec.7,T21N,R2W).
(26) Skokomish River*	Potlatch * 15	From confluence of North Fork of Skokomish River and South Fork Skokomish River (Sec.18,T21N,R4W) downstream to mouth in Great Bend on Hood Canal (Sec.6,T21N,R3W) excluding portion on left bank within Skokomish Indian Reservation. The 1,000 cfs MAF flow begins at confluence of N. Fork and S. Fork.
(27) Skokomish River (N. Fork)	Potlatch 15	From confluence of Skokomish R. N. Fork and Frigid Cr. (Sec.30,T22N, R4W) downstream to confluence with South Fork Skokomish R. (Sec.18,T21N,R4W).
(28) Skokomish River (S. Fork)	Mt. Tebo 15 Potlatch 15	From the Olympic National Forest boundary (Sec.15,T22N,R5W) downstream to confluence with North Fork Skokomish River (Sec. 18,T21N,R4W). Exclude federal lands.
(29) Skookum Creek	Shelton 15	From confluence of Skookum Creek and unnamed creek (Sec.27, T19N,R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17, T19N,R3W).
(30) Tahuya River (Cont.)	Wildcat Lake 7 1/2 Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15	From the Kitsap Co. line (Sec.36,T24N,R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27,T22N,R3W).
(31) Union River (Cont.)	Belfair 7 1/2	From the Kitsap Co. line (Sec.10,T23N,R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31,T23N,R1W).
(32) Unnamed Creek	Mt. Tebo 15 Elma 15	Beginning where logging railroad crosses unnamed creek (Sec.4,T20N,R5W) downstream to mouth at Nahwatzel Lake (Sec.5 same township).
(33) Vance Creek	Mt. Tebo 15	From the Olympic National Forest boundary NW corner of (Sec.4, T21N,R5W) downstream to mouth on Skokomish River (Sec.18,T21N,R4W).
(34) Goldsborough Creek (N. Fork)	Shelton 15	From confluence of Winter Creek and Goldsborough Cr. N. Fk. (Sec.9,T20N,R4W) downstream to mouth at Goldsborough Cr. S. Fk. (Sec.19 same township).
(35) Sherwood Creek	Mason Lake 7 1/2 Vaughn 7 1/2 Belfair 7 1/2	From its start in Mason Lake (Sec.34,T22N,R2W) downstream to mouth at North Bay on Case Inlet (Sec.20,T22N,R1W).

[Order 73-14, § 173-18-270, filed 8/27/73; Order DE 72-13, § 173-18-270, filed 6/30/72.]

WAC 173-18-280 Okanogan county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Blue Buck Mt. 7 1/2 Twisp East 7 1/2	From the confluence of Beaver Creek and unnamed creek (NE1/4 of NE1/4 Sec. 26,T34N,R22E) downstream to mouth at Methow River (Sec.27,T33N,R22E).
(2) Bonaparte Creek	Tonasket 15	From the confluence of Bonaparte Creek and Bannon Creek (Sec.32, T37N,R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16, T37N,R27E).
(3) Chewack* River	Doe Mt.* 15 Winthrop 7 1/2	From the Okanogan National Forest boundary (Sec.2,T35N,R21E) downstream to mouth at Methow River (Sec.2, T34N,R21E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.
(4) Columbia River (Cont.)*	Grand Coulee Dam 15 Bridgeport 15 Brewster 15 Wells Dam 7 1/2 Azwell 7 1/2	From the intersection of the Okanogan County line and the Colville Indian Reservation boundary (Sec. 18,T30N,R25E) downstream right bank only to Chelan County line (Sec.31,T29N,R24E). The flow exceeds 200 cfs MAF at the Colville Indian Reservation boundary.

Stream Name	Quadrangle Name and Size	Legal Description
(5) Gold Creek	Concrete AMS Methow 7 1/2	From the confluence of Gold Creek and South Fork Gold Creek (Sec.17, T31N,R22E) downstream to mouth at Methow River (Sec.16, same township).
(6) Methow River*	Mazama 15* Brewster 15 Doe Mtn. 15 Thompson Ridge 15 7 1/2 Winthrop 7 1/2 Blue Buck Mtn. 7 1/2 Twisp East 7 1/2 Methow 7 1/2 Cooper Mtn. 7 1/2	From the Okanogan National Forest boundary (Sec.6,T36N,R19E) downstream to mouth at the Columbia River (Sec. 36,T30N,R23E) excluding all federal lands. The stream flow is 200 cfs MAF at confluence of Methow River and Lost River (Sec.5,T37N,R19E).
(7) Myers Creek	Mt. Bonaparte 15	From the confluence of Myers Creek and Mary Ann Creek (Sec.28,T40N,R30E) downstream to the Canadian Border (Sec.3, same township).
(8) Okanogan River*	Oroville* 15 Tonasket 15 Omak Lake 15 Okanogan 15 Bridgeport 15 Conconully 15	From the United States–Canadian Border crossing Osoyoos Lake (Sec. 4&5,T40N,R27E) downstream on both shores to Colville Indian Reservation (Sec.6,T34N,R27E) the west shore only to mouth at Columbia River (Sec.18,T30N,R25E), excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage area at United States–Canadian Border.
(9) Sanpoil River (W. Fk.)	Aeneas Valley 15 Aeneas 15	From the confluence of West Fork Sanpoil River and Frosty Creek (Sec. 12,T35N,R30E) to the Okanogan National Forest boundary (Sec.22,T35N, R31E).
(10) Simil–kameen River*	Loomis* 15 Oroville 15	From the Canadian Border (Sec.4,T40N,R25E) downstream to mouth at Okanogan River (Sec.9, T39N,R27E) excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage at Canadian Border.
(11) Sin–lahekin River (Creek)	Conconully 15 Loomis 15	From the confluence on the Sarsapkin Creek and Sinlahekin Creek (Sec. 10,T37N,R25E) downstream to mouth at Palmer Lake (Sec.13,T39N,R25E).
(12) Toats Coulee Creek	Horseshoe Basin 15 Loomis 15	From the confluence of South and Middle Fork Toats Coulee Creek (Sec.35,T39N,R24E) downstream to mouth at Sinlahekin Creek (Sec. 35,T39N,R25E).
(13) Toroda Creek	Bodie Mt. 15	From the confluence of Beaver Creek and Toroda Creek (Sec.22,T39N,R31E) downstream to the Ferry County line (Sec.25, T40N,R31E) excluding federal lands.
(14) Twisp River*	Concrete AMS Winthrop* 7 1/2 Twisp West 7 1/2 Twisp East 7 1/2	From the Okanogan National Forest boundary (Sec.10,T33N,R21E) downstream to mouth at Methow River (Sec.8, T33N,R22E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.

[Order DE 77–15, § 173–18–280, filed 9/1/77; Order DE 76–14, § 173–18–280, filed 5/3/76; Order 73–14, § 173–18–280, filed 8/27/73; Order DE 72–13, § 173–18–280, filed 6/30/72.]

WAC 173–18–290 Pacific county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	Grays River 15 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW1/4 Sec.35,T12N, R8W) downstream to the mouth at Naselle River (Sec.16,T11N,R8W).
(2) Bear River	Knappton 7 1/2 Chinook 7 1/2	From confluence of Bear Branch and unnamed creek (S1/2 of Sec.36,T10N,R10W) downstream to mouth in Shoalwater Bay (Sec.7, same township).
(3) Blaney Creek	Skamokawa 15	From the confluence of Blaney Creek and unnamed creek (Sec.32,T11N,R6W) downstream to mouth at Grays River (Sec.31, same township).
(4) Bone River	South Bend 7 1/2 Bay Center 7 1/2	Beginning at a point (SW1/4 of NW1/4 Sec.36,T14N,R10W) downstream to mouth at Willapa Bay (Sec.4,T13N,R10W).
(5) Butte Creek	Raymond 15	From the confluence of Butte Creek and unnamed creek (Sec.32,T15N,R8W) downstream to mouth at Smith Creek (Sec.31, same township).
(6) Canon River	South Bend 15 North Nemah 7 1/2 Nemah 7 1/2	From confluence of Canon River and unnamed creek (Sec.5,T12N,R9W) downstream to mouth at Middle Fork of Palix River (Sec.24,T13N,R10W).
(7) Canyon Creek	South Bend 15 North Nemah 7 1/2	From the confluence of Canyon Creek and unnamed creek (Sec.29,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township).
(8) Cedar River	Western 7 1/2 Bay Center 7 1/2	From confluence of North Fork Cedar River and Cedar River (Sec.25, T15N,R11W) downstream to mouth at Willapa Bay (Sec.6,T14N,R10W).
(9) Cedar River (N. Fork)	Grayland 7 1/2 Western 7 1/2	From confluence of North Fork Cedar River and unnamed creek (NW1/4,NE1/4 Sec.26,T15N,R11W) downstream to mouth at Cedar River (Sec.25, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(10) Chinook River	Chinook 7 1/2	From a point approximately 1000' south of northern section line (Sec.8,T9N,R10W) downstream to mouth in Baker Bay of Columbia River (Sec.31,T10N,R10W).
(11) Clear-water Creek	South Bend 15 South Bend 7 1/2 Aberdeen S.E. 7 1/2	Beginning at a point where Clearwater Creek crosses the unimproved dirt road near north section line (Sec.35, T15N,R9W) downstream to mouth at Smith Creek (Sec.26, same township).
(12) Columbia River (Cont.)*	Grays River 15 Roseburg 7 1/2 Knappton 7 1/2 Astoria 7 1/2 Warrenton 7 1/2 Chinook 7 1/2 Cape Disap-pointment 7 1/2	From the Wahkiakum County line on the Columbia River (Sec.1, T9N,R9W) downstream along the Washington-Oregon boundary to mouth on Pacific Ocean (Sec.18,T9N, R11W). This stream exceeds 1,000 cfs MAF at Wahkiakum Co. line.
(13) Dell Creek	Knappton 7 1/2	From the confluence of Dell Creek and unnamed creek (Sec.7,T10N,R9W) downstream to mouth on Naselle River (Sec.8, same township).
(14) Eight Creek	Pe Ell 15	From confluence of Eight Creek and unnamed creek (Sec.11,T13N,R6W) downstream to Lewis County line (Sec.12, same township).
(15) Elk Creek	Pe Ell 15	From confluence of Elk Creek and unnamed creek (Sec.29,T14N,R6W) down-stream to Lewis County line (Sec.1,T13N,R6W).
(16) Elk Creek	Raymond 15	From confluence of Elk Creek and unnamed creek (Sec.17,T14N,R8W) downstream to mouth at Willapa River (Sec.19, same township).
(17) Elkhorn Creek (Cont.)	Montesano 15 Aberdeen SE 7 1/2	From Grays Harbor County line (Sec.15,T15N,R8W) downstream to mouth at Smith Creek (Sec.26, T15N,R9W).
(18) Ellis Creek	Grays River 15 Raymond 15	Beginning at a point (SW1/4 of NE1/4 Sec.28, T12N,R7W) downstream to mouth at Fork Creek (Sec.16, same township).
(19) Fair-child Creek	Raymond 15	From mouth of North Fork Fairchild Creek (Sec.24, T14N,R8W) downstream to mouth at Ward Creek (Sec.14, same township).
(20) Fair-child Creek (North Fork)	Raymond 15	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec. 8,T14N,R7W) downstream to mouth at Fairchild Creek (Sec.24,T14N,R8W).
(21) Ells-worth Creek	Long Island 7 1/2	From confluence of Ellsworth Cr. and unnamed creek (SE1/4 of SW1/4 Sec.35,T11N,R10W) downstream to mouth on Naselle River (Sec.22 same township).
(22) Fall River	Pe Ell 15 Raymond 15 Montesano 15	From confluence of Fall River and unnamed creek (Sec.2,T14N,R6W) downstream to mouth at (Sec.24,T15N,R7W).
(23) Falls Creek	Pe Ell 15 Raymond 15	From confluence of Falls Creek and unnamed creek (Sec.24,T12N,R7W) downstream to mouth at Willapa River (Sec.11, same township).
(24) Fern Creek	Pe Ell 15 Raymond 15	Beginning at a point (NW1/4 of SW1/4 Sec.6,T12N, R6W) downstream to mouth at Willapa River (Sec. 3,T12N,R7W).
(25) Finn Creek	Oman Ranch 7 1/2	From confluence of Finn Creek and unnamed creek (NE1/4 Sec.29,T12N,R9W) downstream to mouth on North Nemah River (Sec.30, same township).
(26) Fork Creek	Raymond 15	Beginning at a point (SW1/4 of SE1/4 Sec.15, T12N,R7W) downstream to mouth at Willapa River (Sec.6,T12N,R7W).
(27) Grays River (East Fork)	Skamokawa 15	From confluence of Grays River East Fork and unnamed creek (Sec.14, T11N,R6W) downstream to mouth at Grays River (Sec.17, same township).
(28) Grays River (S.Frk.) (Cont.)	Skamokawa 15	From Wahkiakum Co. line (Sec.32,T11N,R6W) downstream to mouth on Grays River East Fork (Sec.31, same township).
(29) Hull Creek	Grays River 15	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N,R7W) downstream to Wahkiakum County line (Sec.32, same township).
(30) Half Moon Creek	Raymond 15	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N,R7W) downstream to mouth at Willapa River (Sec.4,T12N,R7W).
(31) Johnson Creek	Skamokawa 15	From the confluence of Johnson Creek and unnamed creek (Sec.6, T11N,R6W) downstream to mouth at Grays River (Sec.7, same township).
(32) Little Elk Creek	Pe Ell 15	Beginning at a point (SE1/4 of Sec.5,T13N,R6W) downstream to mouth at Elk Creek (Sec.33,T14N, R6W).
(33) Lower Salmon Creek (cont.)	Aberdeen S.E. 7 1/2	From Grays Harbor County line (Sec.14,T15N,R9W) downstream back to said county line (Sec.15 same township).
(34) Middle Nemah River	Oman Ranch 7 1/2 Long Island 7 1/2 Nemah 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4,NE1/4 Sec.9,T11N,R9W) downstream to mouth at South Nemah River (Sec. 27,T12N,R10W).

Stream Name	Quadrangle Name and Size	Legal Description
(35) Mill Creek	Raymond 15	From confluence of Mill Creek and unnamed creek (Sec.11,T13N,R7W) downstream to mouth at Willapa River (Sec.2, T13N,R8W).
(36) Mitchell Creek	Skamokawa 15	From the confluence of Mitchell Creek and unnamed creek (Sec.8, T11N,R6W) downstream to mouth at Grays River East Fork (Sec.17, same township).
(37) Naselle River	Grays River 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2 Oman Ranch 7 1/2 Long Island 7 1/2	From a point on east section line (Sec.36, T12N,R8W) downstream thru Chetlo Harbor and Stanley Channel to Willapa Bay (Sec.31, T12N,R10W) excluding those reaches within Wahkiakum County.
(38) Naselle River (South Fork)	Knappton 7 1/2	From confluence of Naselle River S. Fork and Bean Creek (Sec.33, T10N,R9W) downstream to mouth at Naselle River (Sec.9, same township).
(39) Nia-wiakum River	South Bend 15 Bay Center 7 1/2 Nemah 7 1/2	Beginning at a point near the section center (Sec.14,T13N,R10W) downstream to mouth at Palix River (Sec.9, same township).
(40) North River*	Malone 15 Montesano 15 Aberdeen S.E.* 7 1/2 Western 7 1/2 Bay Center 7 1/2	From confluence of Redfield Creek and Wheeler Creek (Sec.22,T15N, R6W) downstream to mouth on Willapa Bay (Sec.35, T15N,R10W) excluding those reaches within Grays Harbor County. The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N,R9W).
(41) North Fork Naselle River	Raymond 15 Upper Naselle Riv. 7 1/2	From confluence of North Naselle River and unnamed creek (Sec.19, T12N,R8W) downstream to mouth at Naselle River (Sec.17,T11N,R8W).
(42) North Nemah River	Grays River 15 North Nemah 7 1/2 Up. Naselle River 7 1/2 Nemah 7 1/2 Oman Ranch 7 1/2	From the confluence of North Nemah River and unnamed creek (Sec.11, T11N,R9W) downstream to mouth at Willapa Bay (Sec.22,T12N,R10W).
(43) Palix River	Nemah 7 1/2 Bay Center 7 1/2	From confluence of South and North Forks of Palix River (Sec.22,T13N,R10W) downstream to mouth on Willapa Bay (Sec.5, same township).
(44) Palix River (North Fork)	South Bend 15 South Bend 7 1/2 North Nemah 7 1/2 Nemah 7 1/2	Beginning at a point (SE1/4 of NW1/4 Sec.7,T13N, R9W) downstream to mouth on Palix River (Sec.22, T13N,R10W).
(45) Palix River (South Fork)	South Bend 15 Nemah 7 1/2	Beginning at a point (NE1/4 of NW1/4 Sec.35, T13N,R10W) downstream to mouth on Palix River (Sec.22, same township).
(46) Rainie Creek (cont.)	Malone 15	From Grays Harbor County line (Sec.16,T15N,R6W) downstream to mouth on North River (Sec.20, same township).
(47) Redfield Creek	Malone 15	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N,R6W) downstream to mouth at confluence of Redfield Creek and North River (Sec.21, same township).
(48) Rock Creek	Pe Ell 15	From confluence of Rock Creek and unnamed right bank tributary (Sec.2,T12N,R6W) downstream to Lewis County line (Sec.1, same township).
(49) Rue Creek	Raymond 15	From confluence of Rue Creek with the Middle and West Forks of Rue Creek (Sec.15,T13N,R8W) downstream to mouth at So. Fork Willapa River (Sec.8, same township).
(50) Salmon Creek	Grays River 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2	From the confluence of Salmon Creek and unnamed creek (Sec.26,T11N,R8W) downstream to mouth at Naselle River (Sec.10, T10N,R9W) excluding those reaches within Wahkiakum County.
(51) Smith Creek	Montesano 15 Raymond 15 Aberdeen S.E. 7 1/2 Bay Center 7 1/2	From the east section (Sec.18,T15N,R7W) downstream to mouth at North River (Sec.35, T15N,R10W).
(52) Smith Creek	Oman Ranch 7 1/2	From confluence of Smith Creek and unnamed creek (SE1/4,SE1/4 Sec.26, T11N,R10W) downstream to mouth on Naselle River (Sec.24, same township).
(53) S. Nemah River	Long Island 7 1/2 Nemah 7 1/2	From confluence of South Nemah River and unnamed creek (NW1/4 Sec.2,T11N, R10W) downstream to mouth in Willapa Bay (Sec.22,T12N,R10W).
(54) Swem Creek	Pe Ell 15	Beginning at a point (SW1/4 of NE1/4 Sec.26,T14N, R6W) downstream to mouth at Elk Creek (Sec.34, same township).
(55) Trap Creek	Raymond 15	From confluence of Trap Creek and unnamed creek (Sec.9,T12N,R8W) downstream to Willapa River (Sec.1, same township).
(56) Unnamed Tributary to Canon River	South Bend 15 North Nemah 7 1/2	From a point (NW1/4 of NW1/4 Sec.33,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township).
(57) Unnamed Tributary to Grays River	Skamokawa 15	From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N,R6W) downstream to mouth at Grays River (Sec.5,T11N,R6W).

Stream Name	Quadrangle Name and Size	Legal Description
(58) Unnamed Tributary to Hull Creek	Grays River 15	From a point (SE1/4 of SW1/4 Sec.30,T11N,R7W) downstream to mouth on Hull Creek (Sec.32, same township).
(59) Unnamed Tributary to Palix River (N. Fork)	South Bend 15 North Nemah 7 1/2	From confluence of the unnamed tributary and other unnamed tributary (Sec.8,T13N,R9W) downstream to mouth at Palix River North Fork (Sec.18, same township).
(60) Unnamed Tributary to Smith Creek	Montesano 15	From confluence of unnamed tributary and another unnamed tributary (Sec.25, T15N,R8W) downstream to mouth at Smith Creek (Sec.26, same township).
(61) Wallacut River	Cape Disappointment 7 1/2	From the confluence of Wallacut River and unnamed creek (SW1/4 Sec.26, T10N,R11W) downstream to mouth at Baker Bay (Sec.34, same township).
(62) Ward Creek	Raymond 15	From a point (NW1/4 of SE1/4 Sec.2,T14N,R8W) downstream to mouth at Willapa River (Sec.27, same township).
(63) W.F. Grays River	Grays River 15	From confluence of West Fork Grays River and unnamed creek (Sec.16, T11N,R7W) downstream to Wahkiakum County line (Sec.33, same township).
(64) Whitcomb Creek	Raymond 15	From a point (SW1/4 of NE1/4 Sec.35,T14N,R8W) downstream to mouth at Ward Creek (Sec.27, same township).
(65) Willapa River*	Pe Ell 15 Raymond* 15 South Bend 7 1/2	From confluence of Willapa River and unnamed creek (Sec.8, T12N,R6W) downstream to mouth at Willapa Bay (Sec.18,T14N,R9W). The streamflow is 1,000 cfs MAF at mouth of South Frk. Willapa River (Sec. 24,T14N,R9W).
(66) Willapa River (S. Fork)	South Bend 15 North Nemah 7 1/2	From an approximate point (NW1/4 Sec.2,T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N,R9W).
(67) Williams Creek	South Bend 15 Nemah 7 1/2 North Nemah 7 1/2	From an approximate point (SW1/4 of Sec.15, T12N,R9W) downstream to mouth at North Nemah River (Sec.14,T12N,R10W).
(68) Wilson Creek	Raymond 15	From the east section line (Sec.27,T14N,R7W) downstream to mouth at Ward Creek (Sec.22,T14N, R8W).
(69) Wilson Creek (North Fork)	Raymond 15	From confluence of Wilson Creek North Fork and unnamed creek (Sec. 20,T14N,R7W) downstream to mouth at Wilson Creek (Sec.30, same township).

[Order DE 77-15, § 173-18-290, filed 9/1/77; Order DE 76-14, § 173-18-290, filed 5/3/76; Order 73-14, § 173-18-290, filed 8/27/73; Order DE 72-13, § 173-18-290, filed 6/30/72.]

WAC 173-18-300 Pend Oreille county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Calispell Creek	Newport 30 Cusick 7 1/2	From the confluence of North and South Forks of Calispell Creek (Sec.34,T32N,R43E) downstream thru Calispell Lake to mouth on Pend Oreille River (Sec.19,T33N,R44E).
(2) Calispell Creek (N.Frk.)	Newport 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28,T32N,R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(3) Le Clerc Creek	Metaline 30 Ruby 7 1/2	From the confluence of West Branch of Le Clerc Creek and the East Branch of Le Clerc Creek (Sec.17,T35N,R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(4) Le Clerc Creek (W.Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(5) Le Clerc Creek (E.Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(6) Pend Oreille River*	Newport 30 Newport,Wash. ——Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 Scotchman Lake 7 1/2 Ione 7 1/2	From the Washington-Idaho border (Sec.7,T31N,R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3,T40N,R43E). The flow exceeds 200 cfs MAF at Washington-Idaho border and has 300 square miles of drainage area.
(7) Little Spokane River	Newport 7 1/2 Diamond Lake 7 1/2 Camden 7 1/2	From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34,T31N, R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34,T30N,R44E).
(8) Little Spokane River (W.Branch)	Newport 30	Flowing from Sacheen Lake (Sec.35,T31N,R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.
(9) Skookum Creek	Newport 30 Skookum Creek 7 1/2	From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34, T33N,R44E) downstream to mouth at Pend Oreille River (Sec.4, T32N,R44E).

Stream Name	Quadrangle Name and Size	Legal Description
(10) Sullivan Creek*	Metaline * 30	From the Colville National Forest boundary (Sec.22,T39N,R43E) downstream to mouth at Pend Oreille River (Sec. 23, same township). The flow exceeds 200 cfs MAF at Colville National Forest boundary.
(11) Tacoma Creek	Newport 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec. 27,T34N,R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30,T34N,R44E).

[Order 73–14, § 173–18–300, filed 8/27/73; Order DE 72–13, § 173–18–300, filed 6/30/72.]

WAC 173–18–310 Pierce county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Kapowsin 15	From an approximate point near the center of (Sec. 35,T16N,R5E) downstream to the mouth at Mashel River (Sec.21, T16N,R5E).
(2) Busy Wild Creek	Kapowsin 15	From the confluence of Busy Wild Creek and unnamed creek (Sec.10, T15N,R6E) downstream to mouth at Mashel River (Sec.25,T16N,R5E).
(3) Carbon River	Mowich Lake 7 1/2 Enumclaw 15 Golden Lakes 7 1/2 Wilkeson 7 1/2 Orting 7 1/2 Sumner 7 1/2	From the Mount Rainier National Park boundary (Sec.35,T18N,R7E) downstream to mouth at the Puyallup River. (Sec.13,T19N,R4E).
(4) Chambers Creek	Steilacoom 7 1/2	From outflow of Steilacoom Lake (Sec.34, T20N,R2E) downstream to mouth at Chambers Bay and Puget Sound (Sec.29, T20N,R2E).
(5) Clarks Creek	Puyallup 7 1/2	Beginning in the (NE1/4 of the SE1/4 Sec.32,T20N, R4E), downstream to mouth at Puyallup River (Sec.15, same township).
(6) Clear–water River	Enumclaw 15	From the Snoqualmie National Forest boundary (Sec.34,T19N,R8E) downstream to mouth at the White River (Sec.7,T19N,R8E).
(7) Clover Creek	Tacoma South 15 Spanaway 7 1/2 Tacoma South 7 1/2 Steilacoom 7 1/2 Frederickson 7 1/2	From the intersection of Clover Creek and railroad (Sec.25,T19N,R3E) downstream to Steilacoom Lake (Sec.3,T19N,R2E). Delete federal lands.
(8) Evans Creek	Kapowsin 15	From the east line of (Sec.11,T17N,R6E) downstream to mouth at Carbon River (Sec.35, T18N,R6E).
(9) Gale Creek	Enumclaw 15 Wilkeson 7 1/2	From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13, T18N,R6E) downstream to mouth at Wilkeson Creek (Sec.34,T19N,R6E).
(10) Green–water River	Lester 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream on the left shore only to the mouth at White River (Sec.4,T19N,R9E). Exclude federal lands.
(11) Little Mashel River	Kapowsin 15 Eatonville 7 1/2	From the confluence of the Little Mashel River and unnamed creek (Sec. 30,T16N,R5E) downstream to Mashel River (Sec.22, T16N,R4E).
(12) Lynch Creek	Kapowsin 15 Tanwax Lake 7 1/2	From an approximate point on the west line of (SE1/4 of NE1/4 of NW1/4 of Sec.17,T16N,R5E) down–stream to mouth at Ohop Creek (Sec.10,T16N,R4E).
(13) Mashel River	Kapowsin 15 Eatonville 7 1/2	From the confluence of Mashel River and unnamed creek (Sec.18,T16N,R6E) downstream to mouth at Nisqually River (Sec.29, T16N,R4E).
(14) Milky Creek	Enumclaw 15	From an approximate point near the NW corner of the (NE1/4 of SE1/4 of NW1/4 of Sec.34, T19N,R8E) downstream to the mouth at the Clearwater River (same section).
(15) Minter Creek	Burley 7 1/2 Fox Island 7 1/2	From the confluence of Minter Creek and Huge Creek (Sec.20,T22N,R1E) downstream to mouth at Carr Inlet (Sec.29, same township).
(16) Mowick River	Golden Lakes 7 1/2 Kapowsin 15	From the Mount Rainier National Park boundary (Sec.33,T17N,R7E) downstream to mouth at Puyallup River (Sec.3, T16N,R6E).
(17) Muck Creek	Fort Lewis 7 1/2	From Fort Lewis Military Reservation boundary (Sec. 27,T18N,R2E) downstream through Muck Lake to same boundary (Sec.34, same township).
(18) Niesson Creek	Kapowsin 15	From an approximate point near the NW corner of the (NE1/4 of NE1/4 of Sec.4,T16N,R6E) downstream to the Puyallup River (Sec.33,T17N,R6E).

Stream Name	Quadrangle Name and Size	Legal Description
(19) Nisqually River*	Randle 15 Mount Wow 7 1/2 Mineral 15 Kapowsin* 15 Eatonville 7 1/2 Bald Hill 7 1/2 Harts Lake 7 1/2 McKenna 7 1/2 Nisqually 7 1/2	From Snoqualmie National Forest boundary (Sec.33, T15N,R7E) downstream along the north and east shores only, excluding all federal lands to the Fort Lewis Military Reservation (Sec.16, T17N,R2E), from Military Reservation (Sec.5, T18N,R1E) to mouth on Nisqually Reach (Sec.28, T19N,R1E). *Note: The 1,000 cfs MAF point starts at mouth of Mineral Creek (Sec.26, T15N,R5E).
(20) Ohop Creek	Kapowsin 15 Orting 7 1/2	From the confluence of Ohop Creek and unnamed creek (Sec.21,T17N,R5E) downstream through Lake Kapowsin to mouth at Puyallup River (Sec.20, T18N,R5E).
(21) Ohop Creek *NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)	Tanwax Lake 7 1/2 Eatonville 7 1/2	From confluence of Twenty Five Mile Creek and Ohop Creek (Sec.26, T17N,R4E) downstream through Ohop Lake to Kapowsin Creek, thence downstream to mouth at Nisqually River (Sec.25, T16N,R3E).
(22) Puyallup River*	Mt. Rainier 30 Kapowsin 15 Orting 7 1/2 Sumner* 7 1/2 Puyallup 7 1/2 Tacoma South 7 1/2 Tacoma North 7 1/2	From the confluence of North & South Forks Puyallup River (Sec.20,T16N,R7E) downstream (excluding all federal lands) to Commencement Bay at Tacoma (Sec.33,T21N,R3E). The 1,000 cfs MAF point begins at mouth of Carbon River (Sec.13, T19N,R4E).
(23) Rocky Creek	Vaughn 7 1/2	From the confluence of Rocky Creek and the unnamed creek (Sec.27, T22N,R1W) downstream to mouth at Rocky Bay (same section).
(24) Rushingwater Creek	Golden Lakes 7 1/2 Kapowsin 15	From the Snoqualmie National Forest boundary (Sec.1,T16N,R6E) downstream to mouth at Mowich River (Sec.2, same township).
(25) Sequalitchew Creek	Anderson Island 15 Fort Lewis 7 1/2 Nisqually 7 1/2	From the Fort Lewis Military Reservation (Sec.25,T19N,R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).
(26) South Creek	Ohop Valley 15 Harts Lake 7 1/2 Spanaway 7 1/2 Tanwax Lake 7 1/2	From the confluence of South Creek and unnamed creek (Sec.8,T17N,R4E) downstream to Fort Lewis Military Reservation boundary (Sec.34,T18N, R3E).
(27) South Prairie Creek	Enumclaw 15 Wilkeson 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Orting 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T19N,R7E) downstream to mouth at Carbon River (Sec.27, T19N,R5E).
(28) Spanaway Creek	Tacoma South 15 Tacoma South 7 1/2 Spanaway 7 1/2	From the confluence of waters from Spanaway Lake (Sec.20,T19N,R3E) downstream to mouth at Clover Creek (Sec.8, same township).
(29) Tanwax Creek	Tanwax Lake 7 1/2 Harts Lake 7 1/2 Bald Hill 7 1/2	From the confluence of Tanwax Creek and unnamed creek (Sec.31,T17N,R4E) downstream to mouth at the Nisqually River (Sec.20,T16N,R3E).
(30) Twenty Five Mile Creek	Kapowsin 15 Tanwax Lake 7 1/2	From an approximate point near the west line of the (NE1/4 of NW1/4 of SE1/4 of Sec.25,T17N,R4E) downstream to mouth at Ohop Creek (Sec.26, same township).
(31) Unnamed Tributary to Mashel River	Kapowsin 15	From an approximate point near the SW corner of (NE1/4 of Sec.29, T16N,R6E) downstream to mouth at Mashel River (Sec.19, same township).
(32) Voight Creek	Kapowsin 15 Wilkeson 7 1/2 Orting 7 1/2	From the intersection of the west line of (Sec.3, T17N,R6E) and Voight Creek, downstream to mouth at Carbon River (Sec.33,T19N,R5E).
(33) White River*	Greenwater * 15 Enumclaw 15 Enumclaw 7 1/2 Auburn 7 1/2 Sumner 7 1/2 Puyallup 7 1/2 Buckley 7 1/2	From the Snoqualmie National Forest boundary (Sec.36,T19N,R9E) downstream to the King–Pierce County line along county line on southerly shore only to the Muckleshoot Indian Reservation (Sec.2,T20N, R5E) returning from the reservation (Sec.1,T20N, R4E) downstream to mouth at Puyallup River (Sec.26, same township). The 1,000 cfs MAF point begins at mouth of Greenwater River (Sec.4, T19N,R9E).
(34) White River (West Fork)	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.33,T19N,R9E) downstream to mouth at the White River (Sec.23, same township).
(35) Wilkeson Creek	Wilkeson 7 1/2 Buckley 7 1/2	From confluence of Wilkeson Creek and Gale Creek (Sec.34,T19N,R6E) downstream to mouth at South Prairie Creek (Sec.17, same township).
(36) North Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.21,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,R7E).
(37) South Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.33,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,R7E).

[Order DE 76-14, § 173-18-310, filed 5/3/76; Order 73-14, § 173-18-310, filed 8/27/73; Order DE 72-13, § 173-18-310, filed 6/30/72.]

WAC 173-18-320 San Juan county. Streams. San Juan County has no 20 cfs streams but has shorelines. No rivers of state-wide significance. [Order 73-14, § 173-18-320, filed 8/27/73; Order DE 72-13, § 173-18-320, filed 6/30/72.]

WAC 173-18-330 Skagit county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	Hamilton 15	From confluence of Alder Creek and unnamed creek (Sec.6,T35N,R7E) downstream to mouth at Skagit River (Sec.18, same township).
(2) Baker River*	Lake Shannon * 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1, T36N,R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11,T35N,R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.
(3) Bear Creek	Clear Lake 15	From confluence of Bear Creek and unnamed creek (Sec.18,T33N,R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).
(4) Bear Creek	Hamilton 15	From confluence of Bear Creek and unnamed creek (Sec.10,T36N,R8E) downstream to mouth at Lake Shannon (Sec.14, same township).
(5) Big Creek	Prairie Mt. 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.18,T33N,R11E) downstream to mouth at Suiattle River (Sec.13, same township).
(6) Boulder Creek	Snowking Mt. 7 1/2 Marblemount 15	From an approximate point (NW1/4 of NW1/4 of SW1/4 Sec.26,T35N,R11E) downstream to mouth at Cascade River (Sec.15, same township).
(7) Carpenter Creek	Mt. Vernon 15 Conway 7 1/2	From confluence of Carpenter Creek and unnamed creek (Sec.17, T33N,R4E) downstream to mouth at Tom Moore Slough (Sec.30, same township).
(8) Cascade River*	Marblemount * 15	From Mt. Baker National Forest boundary (Sec.12, T35N,R11E) downstream to mouth at Skagit River (Sec. 18, same township). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.15, T35N,R11E).
(9) Cavanaugh Creek	Wickersham 15	From an approximate point (NW1/4 of NE1/4 of SE1/4 Sec.5,T36N,R6E) downstream to mouth at Nooksack River (Sec.2,T36N,R5E).
(10) Corkindale Creek	Marblemount 15	From confluence of Corkindale Creek and unnamed creek near west section line (Sec.14, T35N,R10E) downstream to mouth at Skagit River (Sec.22, same township).
(11) Cumberland Creek	Oso 15 Hamilton 15	From confluence of Cumberland Creek and unnamed creek (Sec.25, T35N,R6E) downstream to mouth at Skagit River (Sec.14, same township).
(12) Day Creek	Oso 15 Clear Lake 7 1/2	Beginning at outlet of Day Lake (Sec.25,T34N, R6E) downstream to mouth at Skagit River (Sec.20, T35N,R6E).
(13) Deer Creek	Oso 15	From the Mt. Baker National Forest boundary (Sec.1,T33N,R7E) downstream to Snohomish County line (Sec.32, same township).
(14) Finney Creek	Finney Peak 7 1/2 Lake Shannon 15 Hamilton 15	From the Mt. Baker National Forest boundary (Sec.1,T34N,R8E) downstream to mouth at Skagit River (Sec. 13,T35N,R7E).
(15) Friday Creek (Cont.)	Samish Lake 15 Alger 7 1/2 Lake Whatcom 7 1/2	From Whatcom County line (Sec.1,T36N,R3E) downstream to mouth at Samish River (Sec.5,T35N,R4E).
(16) Gilligan Creek	Clear Lake 15	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N,R5E) downstream to mouth at Skagit River (Sec.35,T35N,R5E).
(17) Grandy Creek	Hamilton 15	From outlet of Grandy Lake (Sec.31,T36N,R8E) downstream to mouth at Skagit River (Sec.15, T35N,R7E).
(18) Hansen Creek	Wickersham 15	From an approximate point (SW1/4 of SW1/4 Sec.17,T35N,R5E) downstream to mouth at Skagit River (Sec.20, same township).
(19) Howard Creek (Cont.)	Hamilton 15	From Whatcom County line (Sec.2,T36N,R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).
(20) Illabot Creek	Illabot Peaks 7 1/2 Rockport 7 1/2	From Mt. Baker National Forest boundary (Sec.1, T34N,R10E) downstream to mouth at Skagit River (Sec.29,T35N,R10E).
(21) Irene Creek	Marblemount 15	From Mt. Baker National Forest boundary (Sec.13, T35N,R11E) downstream to mouth at Cascade River (Sec.12, same township).
(22) Jackman Creek	Lake Shannon 15	From Mt. Baker National Forest boundary (Sec.3, T35N,R9E) downstream to mouth at Skagit River (Sec.13,T35N,R8E).
(23) Joe Leary Creek	Samish Lake 15 Bow 7 1/2	From confluence of Joe Leary Creek and unnamed Creek (Sec.20,T35N,R3E) downstream to mouth at Padilla Bay (Sec.18, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(24) Jones Creek	Wickersham 15	From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32,T36N,R6E) downstream to mouth at Skagit River (Sec.17,T35N,R6E).
(25) Jordan Creek	Illabot Peaks 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.33,T35N,R11E) downstream to mouth at Cascade River (Sec.18, same township).
(26) Lake Creek	Clear Lake 15 Mt. Vernon 7 1/2	From confluence of Lake Creek and unnamed creek (Sec.17,T33N,R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4,T34N,R4E).
(27) Lake Creek	Clear Lake 15	From outlet of Lake Cavanaugh (Sec.22,T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).
(28) Little Deer Creek	Oso 15	From Mt. Baker National Forest boundary (Sec.35, T34N,R7E) downstream to mouth at Deer Creek (same section).
(29) Mill Creek	Hamilton 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 Sec.23,T35N,R7E) downstream to mouth at Skagit River (Sec.22, same township).
(30) Nooka-champs Creek (E.Fk.)	Clear Lake 15 Mt. Vernon 7 1/2	From confluence of Nookachamps Creek East Fork and unnamed creek (Sec.28,T34N,R5E) downstream to mouth at Nookachamps Creek (Sec.10,T34N,R4E).
(31) Nooksack River (S. Fk.)	Hamilton 15 Wickersham 15	Beginning at Mt. Baker National Forest boundary (Sec.10,T36N,R7E) downstream to Skagit County line (Sec.2, T36N,R5E).
(32) O'Toole Creek	Oso 15	Beginning at Mt. Baker National Forest boundary (Sec.28,T35N,R7E) downstream to mouth at Skagit River (Sec.21, same township).
(33) Pilchuck Creek	Clear Lake 15	From confluence of Pilchuck Creek and unnamed Creek (Sec.10, T33N,R6E) downstream to Skagit County and Snohomish County line (Sec.33,T33N,R5E).
(34) Pres-sentin Creek	Oso 15 Hamilton 15	Beginning at Mt. Baker National Forest boundary (Sec.36,T35N,R7E) downstream to mouth at Skagit River (Sec.13, same township).
(35) Rocky Creek	Clear Lake 15	From confluence of Rocky Creek and unnamed creek (Sec.17,T34N,R6E) downstream to mouth at Day Creek (Sec.10, same township).
(36) Rocky Creek	Lake Shannon 15	From Whatcom County line (Sec.1,T36N,R8E) downstream to Skagit County line (same section).
(37) Rocky Creek	Marblemount 15	Beginning at Mt. Baker National Forest boundary (Sec.22,T35N,R10E) downstream to mouth at Skagit River (same section).
(38) Samish River (Cont.)	Wickersham 15	From Whatcom County line (Sec.6,T36N,R5E) downstream to mouth at Samish Bay (Sec.5,T35N, R3E).
(39) Sauk River (Cont.)*	Darrington * 7 1/2 Rockport 7 1/2	From Snohomish County line (Sec.32,T33N,R10E) downstream to mouth at Skagit River (Sec.35, T35N,R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line.
(40) Silver Creek	Samish Lake 15 Alger 7 1/2	Beginning where heavy duty highway crosses Silver Creek (Sec.7, T36N,R4E) downstream to mouth at Friday Creek (Sec.18, same township).
(41) Skagit River*	Marblemount * 15 Lake Shannon 15 Hamilton 15 Wickersham 15 Clear Lake 15 Illabot Peaks 7 1/2 Rockport 7 1/2 Finney Peak 7 1/2 Mount Vernon 7 1/2 Utsalady 7 1/2 Conway 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.1,T36N,R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7,T33N,R2E) and (Sec.36,T33N,R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary.
(42) Stilla-guamish River (N. Fork)	Fortson 7 1/2	From Mt. Baker National Forest boundary (Sec.27, T33N,R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township).
(43) Suiattle River* (Cont.)	Prairie Mt. * 7 1/2 Darrington 7 1/2	From Skagit-Snohomish county line (Sec.32,T33N,R11E) downstream to mouth at Sauk River (Sec.20,T33N,R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish county line.
(44) Tenas Creek	Prairie Mt. 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T33N,R11E) downstream to mouth at Suiattle River (Sec.30, same township).
(45) Thunder Creek	Lake Shannon 15	Beginning at Mt. Baker National Forest boundary (Sec.17,T36N,R9E) downstream to mouth at Lake Shannon (Sec.24, T36N,R8E).
(46) Thunder Creek (S. Fk.)	Lake Shannon 15	From an approximate point (NW1/4 of SE1/4 of NE1/4 Sec.20,T36N,R9E) downstream to mouth at Thunder Creek (Sec.18, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(47) Unnamed Tributary to Bear Creek	Lake Shannon 15	From confluence of unnamed tributary to Bear Creek and unnamed creek (Sec.10,T36N,R8E) downstream to mouth at Bear Creek (same section).
(48) Walker Creek	Clear Lake 15	From an approximate point (SW1/4 of SW1/4 of NE1/4 Sec.5,T33N,R5E) downstream to mouth at Nookachamps Creek East Fork (Sec.30,T34N,R5E).
(49) White Creek	Rockport 7 1/2	From confluence of White Creek and unnamed creek (Sec.20,T34N,R10E) downstream to mouth at Sauk River (Sec.31, same township).
(50) Youngs Slough	Wickersham 15	From confluence of Youngs Slough and unnamed tributary (Sec. 14,T35N,R5E) downstream to mouth at Skagit River (Sec.27, same township).
(51) Bacon Creek	Marblemount 15	From west section line (Sec.8,T36N,R11E) downstream to mouth at Skagit River (Sec.20,T36N,R11E). Exclude federal lands.
(52) Diobsud Creek	Marblemount 15	From west section line (Sec.30,T36N,R11E) downstream to mouth at Skagit River (Sec.32,T36N,R11E). Exclude federal lands.

[Order DE 76-14, § 173-18-330, filed 5/3/76; Order 73-14, § 173-18-330, filed 8/27/73; Order DE 72-13, § 173-18-330, filed 6/30/72.]

WAC 173-18-340 Skamania county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Bear Creek	Wind River 15	From the Gifford Pinchot National Forest boundary (Sec.5,T3N,R8E) downstream to mouth at Wind River (Sec.8, same township).
(2) Buck Creek (Cont.)	Willard 7 1/2	From Klickitat County line (Sec.2,T3N,R10E) downstream to mouth at White Salmon River (same section).
(3) Canyon Creek	Bridal Veil 15	Beginning in (NW1/4 of SE1/4 Sec.4,T1N,R5E) downstream to Washougal River (Sec.6, same township).
(4) Columbia River (Cont.)*	Hood River 15 Bonneville Dam 15 Bridal Veil 15	From Klickitat County line (Sec.23,T3N,R10E) downstream along Washington shoreline to Clark County line (Sec. 19,T1N,R5E) excluding any federal lands. The flow exceeds 200 cfs MAF at Klickitat County line.
(5) Deer Creek	Bridal Veil 15	From an approximate point (NE1/4 of Sec.17, T3N,R6E) downstream to mouth at Prospector Creek (Sec.18, same township).
(6) Dougan Creek	Bridal Veil 15	From the confluence of Dougan Creek and unnamed creek (Sec.2,T2N,R5E) downstream to Washougal River (Sec.11, same township).
(7) Duncan Creek	Bridal Veil 15	Beginning in (NW1/4 of SE1/4 of NE1/4 of Sec.17,T2N, R6E) downstream to Columbia River (Sec.34, same township).
(8) Forest Creek	Wind River 15 Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.17,T3N,R7E) downstream to mouth at Rock Creek (same section).
(9) Green-leaf Creek	Bonneville Dam 15	From an approximate point (NW1/4 of Sec.16, T2N,R7E) downstream through Greenleaf Slough to mouth at Hamilton Creek (Sec.20, same township).
(10) Hagen Creek (Cont.)	Bridal Veil 15	From the Clark County line (Sec.6,T2N,R5E) downstream to mouth at the West Fork Washougal River (same section).
(11) Hamilton Creek	Bridal Veil 15	From the confluence of Hamilton Creek and unnamed creek (Sec.36, T3N,R6E) downstream to Columbia River (Sec.30, T2N,R7E).
(12) Lava Creek	Willard 15	From Gifford Pinchot National Forest boundary (Sec.33,T4N,R9E) downstream to mouth on Little White Salmon River (Sec.1,T3N,R9E).
(13) Lewis River*	Burnt Peak * 7 1/2 Mt. St. Helens 15	From Gifford Pinchot National Forest boundary (Sec.24,T7N,R6E) downstream through Swift Reservoir to Cowlitz County line (Sec. 31,T7N,R5E) except those reaches within the National Forest. The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(14) Little White Salmon River*	Willard * 15 Hood River 15	Beginning in (NE1/4 of NE1/4 of NE1/4 Sec.2,T4N,R9E) downstream to Drano Lake (Sec.26,T3N,R9E), excluding all federal lands. The 200 cfs MAF begins at confluence with Lava Creek (Sec.1, T3N,R9E).
(15) Little Wind River	Wind River 15 Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.14,T3N,R8E) downstream to mouth at Wind River (Sec.22, same township).
(16) Lookout Creek	Lookout Mt. 15	From an approximate point (NW1/4 of Sec.6,T3N, R6E) downstream to mouth at Washougal River (Sec.1,T3N,R5E).
(17) Muddy River	Mt.St. Helens 15	From the west section line (Sec.16,T8N,R6E) downstream to mouth at Lewis River (Sec.24,T7N,R6E). Exclude federal lands.

Stream Name	Quadrangle Name and Size	Legal Description
(18) North Fork Toutle River	Spirit Lake 15	From Spirit Lake (Sec. 15,T9N,R5E) downstream to Skamania County line (Sec.18, same township), excluding all federal lands.
(19) North Siouxon Creek	Mt. St. Helens 15 Lookout Mt. 15	From the Gifford Pinchot National Forest boundary (Sec.16,T6N,R5E) downstream to the Clark County line (Sec. 30, same township).
(20) Ole Creek	Mt. St. Helens 15	From the confluence of Ole Creek and an unnamed creek (Sec.31,T7N,R5E) downstream to Lewis River (same section).
(21) Panther Creek	Wind River 15	Beginning in (NW1/4 of SE1/4 of SE1/4 of Sec.25,T4N,R71/2E) downstream to mouth at Wind River (Sec.8,T3N,R8E).
(22) Prospector Creek	Bridal Veil 15	From the confluence of Prospector Creek and Deer Creek (Sec.18,T3N, R6E) downstream to mouth at Washougal River (Sec.13,T3N,R5E).
(23) Range Creek	Mt. St. Helens 15	From south section line of (Sec.12,T6N,R5E) downstream to Swift Reservoir (Sec.6,T6N, R6E).
(24) Rock Creek	Lookout Mt. 15 Wind River 15 Bonneville Dam 15	From west section line (Sec.2,T3N,R6E) downstream to Columbia River (Sec.1,T2N,R7E).
(25) Siouxon Creek	Lookout Mt. 15	From the Gifford Pinchot National Forest boundary (Sec.31,T6N,R5E) downstream to Clark County line (same section) excluding federal lands.
(26) Spring Creek	Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.22,T3N,R7E) downstream to mouth at Rock Creek (Sec.27, same township).
(27) Stebbins Creek	Bridal Veil 15	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N,R6E) downstream to mouth at Washougal River (Sec.6,T2N,R6E).
(28) Swift Creek	Mt. St. Helens 15	From the Gifford Pinchot National Forest boundary (Sec.4,T7N,R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest.
(29) Trout Creek	Wind River 15	Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27,T4N,R7E) downstream to mouth at Wind River (Sec.26, same township).
(30) Unnamed Tributary to Swift Creek	Mt. St. Helens 15	From the Gifford Pinchot National Forest boundary (Sec.10,T7N,R5E) downstream to mouth at Swift Creek (Sec.9, same township).
(31) Washougal River	Lookout Mt. 15	From Gifford Pinchot National Forest boundary (Sec.1,T3N,R5E) downstream to mouth at Clark County line (Sec. 31,T2N,R5E).
(32) Washougal River (W. Fork)	Bridal Veil 15	From an approximate point (NW1/4 of SW1/4 of Sec.29,T3N,R5E) downstream to mouth at Washougal River (Sec.32,T2N,R5E).
(33) West Fork Swift Creek	Mt. St. Helens 15	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4,T7N,R5E) downstream to Swift Creek (Sec.16, same township).
(34) White Salmon River (Cont.)*	Willard 15 Hood River 15	From Klickitat County line (Sec.2,T3N,R10E) downstream right bank only to mouth on Columbia River (Sec.23, same township). The flow exceeds 200 cfs MAF at Skamania–Klickitat County line.
(35) Wildboy Creek	Bridal Veil 15	From the confluence of Wildboy Creek and Texas Creek (Sec.17,T2N,R5E) downstream to West Fork Washougal River (Sec.20, same township).
(36) Wind River*	Wind River * 15 Bonneville Dam 15	Beginning at the north section line of (Sec.9, T4N,R7E) downstream to mouth at Columbia River (Sec.27,T3N,R8E). The 200 cfs MAF point begins at Gifford Pinchot N.F. boundary (Sec.1,T3N, R71/2E).
(37) Woodward Creek	Bridal Veil 15	From the confluence of Woodward Creek and unnamed creek (Sec.27, T2N,R6E) downstream to mouth at Columbia River (Sec.36, same township).
(38) Unnamed Tributary to Swift Reservoir	Mt. St. Helens 15	From the East section line (Sec.2,T6N,R6E) downstream to mouth at Swift Reservoir (Sec.35, T7N,R6E).
(39) Green River	Spirit Lake 15	From the Gifford Pinchot National Forest boundary (Sec.18,T10N,R6E) downstream to the Cowlitz–Skamania county line (Sec.6, same township). Exclude federal lands.
(40) Drift Creek	Mt. St. Helens 15	From south section line (Sec.8,T6N,R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands.
(41) Coldwater Creek	Spirit Lake 15	From east section line (Sec.29,T10N,R5E) downstream to Cowlitz–Skamania county line (Sec.31, same township). Exclude federal lands.

Stream Name	Quadrangle Name and Size	Legal Description
(42) Miners Creek	Spirit Lake 15	From confluence of Miners Creek and unnamed creek (SE1/4 Sec.8,T10N,R5E) downstream to Lewis–Skamania county line same section.
(43) Smith Creek	Mt. St. Helens 15	From east section line of (Sec.30,T9N,R6E) downstream to mouth at Muddy River. (Sec.15,T8N,R6E) Exclude federal lands.
(44) Cold Creek	Wind River 15	From NW1/4 of NE 1/4 (Sec.16,T4N,R7E) downstream to mouth at Wind River (Sec.9, same township).

[Order DE 76-14, § 173-18-340, filed 5/3/76; Order 73-14, § 173-18-340, filed 8/27/73; Order DE 72-13, § 173-18-340, filed 6/30/72.]

WAC 173-18-350 Snohomish county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Anderson Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.24,T27N,R9E) downstream to mouth at Skykomish River (same section).
(2) Ashton Creek	Fortson 7 1/2	From confluence of Ashton Creek and unnamed creek (Sec.20,T32N,R9E) downstream to mouth at Squire Creek (Sec.8, same township).
(3) Barclay Creek	Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.25,T27N,R10E) downstream to mouth at Skykomish River South Fork (Sec.34, same township), excluding the part within Snoqualmie National Forest.
(4) Boulder River	Granite Falls 15 Oso 15	From the Mt. Baker National Forest boundary (Sec.19,T32N,R8E) downstream to mouth at Stillaguamish River (Sec.9,T32N,R8E), excluding the part within Mt. Baker National Forest.
(5) Brooks Creek	Oso 15	Beginning where Brooks Creek is crossed by unimproved dirt road (Sec.9,T32N,R7E) downstream to mouth at Stillaguamish River North Fork (same section).
(6) Canyon Creek	Granite Falls 15	From the Mt. Baker National Forest boundary (Sec.25,T31N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.12,T30N, R6E).
(7) Dan Creek	Darrington 7 1/2	From Mt. Baker National Forest boundary (Sec.8, T32N,R10E) downstream to mouth at Sauk River (same section).
(8) Deer Creek (Cont.)	Oso 15	From the Skagit County line (Sec.5,T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17,T32N, R7E).
(9) Dubuque Creek	Everett 15 Snohomish 7 1/2	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N,R6E) downstream to mouth at Pilchuck River (Sec.21, same township).
(10) Elk Creek	Index 15	Beginning at Snoqualmie National Forest boundary (Sec.3,T28N,R10E) downstream, to mouth at Sultan River (Sec.30, T29N,R10E), excluding Snoqualmie National Forest land.
(11) Elwell Creek	Sultan 7 1/2	From confluence of Elwell Creek and Youngs Creek (Sec.24,T27N,R7E) downstream to mouth at Skykomish River (Sec.12, same township).
(12) French Creek	Everett 15 Snohomish 7 1/2	From confluence of French Creek and unnamed creek (Sec.27,T28N,R6E) downstream to mouth at Snohomish River (Sec.30, same township).
(13) French Creek	Oso 15	From Mt. Baker National Forest boundary (Sec.16, T32N,R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.
(14) Jim Creek	Granite Falls 15 Arlington East 7 1/2	From U.S. Naval Reservation boundary (Sec.31,T32N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7,T31N,R6E).
(15) Little Pilchuck Creek	Lake Stevens 7 1/2 Snohomish 7 1/2	From confluence of Little Pilchuck Creek and unnamed creek (Sec. 22,T30N,R6E) downstream to mouth (Sec.21,T29N, R6E) at Pilchuck River.
(16) May Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.3,T27N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).
(17) McCoy Creek	Monroe 15 Sultan 7 1/2	From confluence of McCoy Creek and unnamed creek (Sec.17,T27N,R8E) downstream to mouth at Skykomish River (Sec.7, same township).
(18) Montague Creek	Oso 15	From confluence of Montague Creek and unnamed creek (Sec.14, T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec. 10, same township).
(19) Mud Lake Outlet	Granite Falls 15	From an approximate point (SE1/4 of SE1/4, Sec.33,T31N,R7E) downstream to mouth at Canyon Creek (Sec.3, T30N,R7E).

Stream Name	Quadrangle Name and Size	Legal Description
(20) North Creek	Everett 15 Bothell 7 1/2	From confluence of North Creek and unnamed creek (Sec.19,T27N,R5E) downstream to King County line (Sec.32, same township).
(21) Olney Creek	Index 15	From Snoqualmie National Forest boundary (Sec.6, T28N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).
(22) Pilchuck Creek (Cont.)	Clear Lake 15 Arlington West 7 1/2	From Skagit County line (Sec.4,T32N,R5E) downstream to mouth at Stillaguamish River (Sec.6,T31N,R5E).
(23) Pilchuck River	Index 15 Lake Stevens 7 1/2 Snohomish 7 1/2 Monroe 15 Granite Falls 15	From the Snoqualmie National Forest boundary (Sec.23,T29N,R8E) downstream to mouth at Snohomish River (Sec.19, T28N,R6E).
(24) Portage Creek	Arlington West 7 1/2	From confluence of Portage Creek and unnamed creek (Sec.7, T31N,R5E) downstream to mouth at South Slough of the Stillaguamish River (Sec.12,T31N,R4E).
(25) Proctor Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.15,T27N,R9E) downstream to mouth at Skykomish River (Sec.10, same township).
(26) Quilceda Creek	Marysville 7 1/2	From confluence of Quilceda Cr. & Middle Fork (Sec.9,T30N,R5E) downstream to mouth at Ebbey Slough of Possession Sound (Sec. 31,T30N,R5E) excluding federal lands.
(27) Rollins Creek	Oso 15	From confluence of Rollins Creek and unnamed creek (Sec.1, T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec. 12, same township).
(28) Sauk River*	Silverton * 15 Darrington 7 1/2	From Mt. Baker National Forest boundary (Sec.36, T32N,R9E) downstream to Snohomish County and Skagit County line (Sec.5,T32N,R10E). The 1,000 cfs MAF point is at Mt. Baker N. F. boundary.
(29) Skyko-mish River*	Index * 15 Sultan 7 1/2 Monroe 7 1/2	From confluence of North Fork and South Fork of Skykomish River (Sec. 19,T27N,R10E) downstream to mouth at Snohomish River (Sec. 16,T27N,R6E) excluding all federal land. The 1,000 cfs MAF point begins at confluence of North and South Fork Skykomish River.
(30) Skyko-mish River (N.Fk.)*	Index * 15	Beginning at SW1/4 (Sec.20,T28N,R11E) downstream to mouth at at Skykomish River (Sec.19, T27N,R10E) excluding those shores within federal lands. The 1,000 cfs MAF point begins at east section line (Sec.16,T27N,R10E)
(31) Skyko-mish River (South Fork) (Cont.)*	Baring 7 1/2 Index 15	From King County line (Sec.34,T27N,R10E) downstream to mouth at Skykomish River (Sec.19, same township) excluding all federal land. The flow exceeds 1,000 cfs MAF at King County line.
(32) Snoho-mish River*	Everett 15 Maltby* 7 1/2 Snohomish 7 1/2 Everett 7 1/2 Marysville 7 1/2	From confluence of Skykomish River and Snoqualmie River (Sec. 16,T27N,R6E) downstream to mouth at Possession Sound (Sec.7,T29N,R5E). The flow exceeds 1,000 cfs MAF at confluence of Skykomish River and Snoqualmie River.
(33) Sno-qualmie River* (Cont.)	Monroe 15 Maltby 7 1/2 Monroe 7 1/2	From the King County line (Sec.31,T27N,R7E) downstream to mouth at Snohomish River (Sec.16, T27N,R6E). The flow exceeds 1,000 cfs MAF at King County line.
(34) Squire Creek	Silverton 15 Fortson 7 1/2	From the Mt. Baker National Forest boundary (Sec.27,T32N,R9E) downstream to mouth at Stillaguamish River N. Fork (Sec.8, same township).
(35) Stevens Creek	Lake Stevens 7 1/2 Snohomish 7 1/2	From confluence of Stevens Creek and Catherine Creek (Sec.8, T29N,R6E) downstream to mouth at Little Pilchuck Creek (Sec.16, same township).
(36) Stilla-guamish River*	Arlington East * 7 1/2 Arlington West 7 1/2 Stanwood 7 1/2	From confluence of South Fork and North Fork of Stillaguamish River (Sec. 2,T31N,R5E) downstream to mouth at Port Susan in Puget Sound (Sec.12,T31N,R3E). The flow exceeds 1,000 cfs MAF at confluence of N. Fork and South Fork Stillaguamish River.
(37) Stilla-guamish River (N.F.) (Cont.)*	Fortson 7 1/2 Oso* 15 Clear Lake 15 Arlington East 7 1/2 Arlington West 7 1/2	From Snohomish County line (Sec.3,T32N,R9E) downstream to mouth at Stillaguamish River South Fork (Sec.2,T31N, R5E). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.9, T32N,R8E).
(38) Stilla-guamish River (South Fork)*	Silverton 15 Granite Falls* 15 Lake Stevens 7 1/2 Arlington 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T30N,R10E) downstream to mouth at Stillaguamish River North Fork (Sec.2, T31N,R5E). The 1,000 cfs MAF point begins at mouth of Cranberry Creek (Sec.12,T30N,R7E). Exclude federal lands.

Stream Name	Quadrangle Name and Size	Legal Description
(39) Stony Creek	Silverton 15	From an approximate point (NE1/4 of NW1/4 Sec. 18,T29N,R10E) downstream to mouth at Williamson Creek (Sec.12,T29N,R9E) excluding all federal land.
(40) Sultan River	Monte Cristo 7 1/2 Sultan 7 1/2 Monroe 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.22,T29N,R10E) downstream to mouth at Skykomish River (Sec.6, T27N,R8E) excluding all federal lands.
(41) Sultan River (N. Fork of South Fork)	Index 15	From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7, T28N,R10E) downstream to mouth at Sultan River (Sec.28,T29N,R9E) excluding all federal land.
(42) Swamp Creek	Edmonds 15 Edmonds E. 7 1/2 Bothell 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26,T27N,R4E) downstream to King County line (Sec.35, same township).
(43) Unnamed Tributary to French Creek	Everett 15 Snohomish 7 1/2	From confluence of unnamed tributary to French Creek and unnamed creek (NW1/4 of Sec.34, T28N,R6E) downstream to mouth at French Creek (Sec.20, same township).
(44) Wallace River	Index 15 Sultan 7 1/2	From the Snoqualmie National Forest boundary (Sec.25,T28N,R9E) downstream to mouth at Skykomish River (Sec.4, T27N,R8E).
(45) Wallace River (N.Fk.)	Index 15	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N,R9E) downstream to mouth at Wallace River (Sec.33, same township).
(46) Williamson Creek	Silverton 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.6,T29N,R10E) downstream to mouth at Sultan River (Sec.24, T29N,R9E) excluding all federal lands.
(47) Woods Creek	Monroe 15 Monroe 7 1/2	From confluence of Woods Creek and unnamed creek (Sec.26,T29N,R7E) downstream to mouth at Skykomish River (Sec. 12,T27N,R6E).
(48) Woods Creek (W. Fk.)	Monroe 15 Monroe 7 1/2	From confluence of Carpenter Creek and Woods Creek West Fork (Sec.5,T28N,R7E) downstream to mouth at Woods Creek (Sec.33, same township).
(49) Worthy Creek	Granite Falls 15	From confluence of Worthy Creek and unnamed creek (Sec.26,T30N,R7E) downstream to mouth at Pilchuck River (Sec.2, T29N,R7E).
(50) Youngs Creek	Monroe 15 Sultan 7 1/2	From an approximate point (NE1/4 of SE1/4 Sec. 34,T27N,R8E) downstream to mouth at Elwell Creek (Sec.24,T27N,R7E).
(51) Suiattle River*	Huckleberry Mtn. * 7 1/2 Prairie Mtn. 7 1/2	From the east section (Sec.20,T32N,R12E) downstream to Skagit–Snohomish county line (Sec.5,T32N,R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20,T32N,R12E).
(52) Beckler River	Evergreen Mtn. 7 1/2	From the west section line (Sec.8,T27N,R12E) downstream to Snohomish–King county line (Sec.32,T27N,R12E). Exclude federal lands.
(53) Rapid River	Captain Point 7 1/2 Evergreen Mtn. 7 1/2	From east section line (Sec.13,T27N,R12E) downstream to Beckler River (Sec.29,T27N,R12E). Exclude federal lands.

[Order DE 76-14, § 173-18-350, filed 5/3/76; Order 73-14, § 173-18-350, filed 8/27/73; Order DE 72-13, § 173-18-350, filed 6/30/72.]

WAC 173-18-360 Spokane county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Deadman Creek	Deer Park 15	From the confluence of Deadman Creek and two unnamed creeks (Sec.1, T26N,R43E) downstream to mouth at Spokane River (Sec.33,T27N, R43E).
(2) Dragoon Creek	Deer Park 15	From the confluence of Dragoon Creek and West Branch of the Dragoon Creek (Sec.22,T28N, R42E) downstream to mouth at the Little Spokane River (Sec.4, T27N,R43E).
(3) Hangman Creek (Cont.)* or Latah Creek	Fairfield 15 Spangle* 15 Spokane SE 7 1/2 Spokane SW 7 1/2 Spokane NW 7 1/2	From the Whitman–Spokane County line (Sec.32,T21N, R45E) downstream to mouth on Spokane River (Sec.14, T25N,R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec. 13,T23N,R43E) upstream from Rock Creek.
(4) Little Spokane River (Cont.)*	Camden 7 1/2 Elk 7 1/2 Deer Park* 15 Clayton 15	From the Pend Oreille County line (Sec.3,T29N, R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32,T27N,R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34,T28N,R43E).

Stream Name	Quadrangle Name and Size	Legal Description
(5) Little Spokane River (West Branch)	Newport 30 Fan Lake 7 1/2 Elk 7 1/2 Deer Park 15 mouth at Little Spokane	From the Pend Oreille County line (Sec.5, T29N,R43E) downstream through Eloika Lake to River (Sec.26, same township).
(6) Pine Creek (Cont.)	Spangle 15	From Whitman County line (Sec.34,T21N,R43E) downstream back to Whitman County line (Sec.31, same township).
(7) Rock Creek	Fairfield 15 Spangle 15 Spokane SE 7 1/2	From the confluence of Rock Creek and Rose Creek (Sec. 34,T23N,R45E) downstream to mouth at Latah Creek (Sec.11,T23N,R43E).
(8) Spokane River*	Green Acres * 15 Spokane NE 7 1/2 Spokane NW 7 1/2 Airway Heights 7 1/2 Clayton 15 Wellpinit 15	From the Washington–Idaho border (Sec.6,T25N,R46E) downstream to the Spokane–Stevens County line, along said County line to the Lincoln County line (Sec.19,T27N,R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington–Idaho border.

[Order DE 76-14, § 173-18-360, filed 5/3/76; Order 73-14, § 173-18-360, filed 8/27/73; Order DE 72-13, § 173-18-360, filed 6/30/72.]

WAC 173-18-370 Stevens county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Sheep Creek*	Colville 30 Belshazzor Mt. 7 1/2 Northport* 7 1/2	From the Colville National Forest boundary (Sec.13, T40N,R38E) downstream to mouth at the Columbia River near Sand Point (Sec.30,T40N,R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec.14,T40N,R39E).
(2) Chamo-kane Creek	Clayton 15 Wellpinit 15	From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N,R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N,R39E).
(3) Chewelah Creek	Chewelah Mt. 15 Chewelah 7 1/2	From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11,T32N,R40E) downstream to mouth on Colville River (Sec.23, same township).
(4) Colville River*	Forest Center 7 1/2 Waitts Lake 7 1/2 Valley 7 1/2 Chewelah* 7 1/2 Addy 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2 Colville 7 1/2 Marcus 30	From the confluence of Deer Cr. and Sheep Creek (Sec.9,T30N,R40E) downstream (excluding all federal lands) to mouth at Columbia River (Sec.36, T36N,R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23,T32N,R40E).
(5) Columbia River*	Boundary * 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States–Canadian boundary (Sec.2,T40N,R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N,R35E). This river has over 200 cfs MAF at U.S–Canadian border.
(6) Kettle River*	Marcus 30 Orient 7 1/2 Laurier* 7 1/2	From the United States–Canadian border (Sec.2,T40N,R36E) downstream along Ferry–Stevens Co. line. Left bank only to (Sec.20, T38N,R37E), excluding federal lands. This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.–Canadian border.
(7) Little Pend Oreille River	Lake Gillette 7 1/2 Park Rapids 7 1/2 Cliff Ridge 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2	That part of the Little Pend Oreille River outside the Little Pend Oreille National Wildlife Refuge (Sec.11,T35N,R41E) and that part outside Refuge (Sec.15 & 16, T35N,R41E), and that part outside Refuge from (Sec. 10,T34N,R40E) to Colville River (Sec.10,T34N,R39E).
(8) Little Sheep Cr.	Colville 30 Northport 7 1/2	From the confluence of Boundary Creek and Little Sheep Creek (Sec.10,T40N, R39E) downstream to mouth at Big Sheep Creek (Sec. 14, same township).
(9) Mill Creek	White Mud Lake 7 1/2 Colville 7 1/2	From the Colville National Forest boundary (Sec.15,T36N,R40E) downstream (excluding all federal lands) to mouth at Colville River (Sec.31,T36N,R39E).
(10) Onion Creek	Colville 30 Onion Creek 7 1/2	From the confluence of Onion Creek and unnamed creek (Sec.12,T38N,R39E) downstream to mouth at Columbia River (Sec.23, T39N,R39E). Excluding Coulee Dam National Recreation area.
(11) Spokane River (Cont.)*	Clayton 15 Wellpinit 15 Turtle Lake 15 Lincoln 15	From the Spokane County line on the Spokane River (Sec.32,T27N,R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15,T27N,R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.
(12) Deep Creek (South Fork)	Spirit 7 1/2 Aladdin 7 1/2	From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8,T37N,R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5,T38N,R41E).

Stream Name	Quadrangle Name and Size	Legal Description
(13) Deep Creek (North Fork)	Deep Lake 7 1/2 Aladdin 7 1/2	From the confluence of McKinnon Creek and North Fork Deep Creek in (Sec. 11,T39N,R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec.5,T38N,R41E).
(14) Deep Creek	Aladdin 7 1/2 Spirit 7 1/2	From the confluence of the South Fork and North Fork of Deep Creek in (Sec.5,T38N,R41E) downstream to mouth at Columbia River (Sec.34, T40N,R40E).

[Order DE 76-14, § 173-18-370, filed 5/3/76; Order 73-14, § 173-18-370, filed 8/27/73; Order DE 72-13, § 173-18-370, filed 6/30/72.]

WAC 173-18-380 Thurston county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11,T16N,R2W) downstream to mouth at Black River (Sec.2,T16N, R3W).
(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13,T17N, R3W) downstream to Grays Harbor County line (Sec.26,T16N,R4W).
(3) Cedar Creek	Rochester 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2,T16N,R4W) downstream to Grays Harbor County line (same section).
(4) Chehalis River (Cont.)*	Rochester 15	From Lewis County line (Sec. 23,T15N,R3W) downstream to Grays Harbor County line (Sec.11,T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.
(5) Des-chutes River (Cont.)	Ohop Valley 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24,T15N,R3E) downstream to mouth at Capitol Lake (Sec.26, T18N,R2W), excluding all federal lands.
(6) Kennedy Creek	Shelton 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14,T18N,R4W) downstream to the Mason County line (Sec.6,T18N, R3W).
(7) Little Nis-qually River (Cont.)	Ohop Valley 15 Eatonville 7 1/2	From the Lewis-Thurston county line (Sec.21,T15N,R4E) downstream to Alder Lake (Sec.16, same township).
(8) McAllis-ter Creek	Anderson Island 15 Nisqually 7 1/2	From the McAllister Springs (Sec.19,T18N,R1E) downstream to mouth at Nisqually Head (Sec.31, T19N,R1E).
(9) McLane Creek	Tumwater 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N,R3W) downstream to mouth at Eld Inlet (Sec. 19,T18N,R2W).
(10) Mima Creek	Rochester 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N,R3W) downstream to mouth at Black River (Sec.20, same township).
(11) Mitchell Creek	Ohop Valley 15 Bald Hill 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18,T15N, R3E) downstream to mouth at Deschutes River (Sec.7, same township).
(12) Nis-qually River (Cont.)*	Kapowsin 15 Ohop Valley 15 Yelm 7 1/2 Anderson Island 15	From the Pierce County line in Alder Reservoir (Sec.20,T15N,R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11,T17N,R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
(13) Percival Creek	Tumwater 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21,T18N,R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
(14) Scatter Creek	Tenino 15 Bucoda 7 1/2 Tenino S.W. 7 1/2 Rochester 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N,R1W) downstream to mouth at Chehalis River (Sec.7,T15N,R3W).
(15) Sherman Creek	Rochester 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25,T17N,R4W) downstream to mouth on Cedar Cr. (Sec.2,T16N, R4W).
(16) Skookum-chuck River (Cont.)	Yelm 15 Tenino 15	From the Lewis County line (Sec.20,T15N,R2E) downstream back to the Lewis County line (Sec. 21,T15N,R2W).
(17) Thompson Creek	Yelm 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N,R1E) downstream to mouth at Nisqually River (same section).
(18) Waddell Creek	Rochester 15	From an approximate point (SE1/4 of NW1/4 of Sec.8,T17N,R3W) downstream to mouth at Black River (Sec.2, T16N,R3W).
(19) Woodland Creek	Lacey 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9,T18N,R1W) downstream to mouth at Henderson Inlet near South Bay (Sec. 32,T19N,R1W).

Stream Name	Quadrangle Name and Size	Legal Description
(20) Yelm Creek	Yelm 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29,T17N,R2E) downstream to mouth at Nisqually River (Sec.12, T17N,R1E).

[Order DE 76-14, § 173-18-380, filed 5/3/76; Order 73-14, § 173-18-380, filed 8/27/73; Order DE 72-13, § 173-18-380, filed 6/30/72.]

WAC 173-18-390 Wahkiakum county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alger Creek	Skamokawa 15	From the intersection of State Sign Route 4 and Alger Creek (Sec.15,T9N, R6W) downstream to mouth at Brooks Slough (same section).
(2) Beaver Creek	Cathlamet 15	From the confluence of Beaver Cr. and unnamed creek (Sec.33,T9N,R5W) downstream to mouth at Elochoman River (Sec.32, same township).
(3) Columbia River (Cont.)*	Clatskanie 15 Cathlamet 15 Skamokawa 15 Grays River 15	From the Cowlitz Co. line on Columbia River (Sec.20, T8N,R4W) downstream along the Wash.-Oregon boundary to the Pacific Co. line to Grays Bay (Sec.7,T9N, R9W). The flow exceeds 1,000 cfs MAF at Cowlitz County line.
(4) Crooked Creek	Grays River 15	From the confluence of Crooked Creek and the So. Fork Crooked Cr. (Sec.36, T10N,R8W) downstream to Grays Bay (Sec.4,T9N, R8W).
(5) Deep River	Grays River 15	From the confluence of Deep River and Hendrickson Canyon Stream (Sec.9, T10N,R8W) downstream to mouth at Grays Bay (Sec. 31,T9N,R8W).
(6) Elochoman River	Skamokawa 15 Cathlamet 15	From the confluence of the West Fork Elochoman and the North Fork Elochoman River (Sec.26, T10N,R5W) downstream to mouth at Elochoman Slough (Sec.36,T9N,R6W).
(7) Elochoman River (East Fk.) (Cont.)	Ryderwood 15	From the Cowlitz Co. line (Sec.7,T10N,R4W) downstream to Elochoman River (Sec.13,T10N,R5W).
(8) Elochoman River (North Fk.)	Skamokawa 15 Ryderwood 15	From the confluence of North Fk. Elochoman R. and unnamed creek (Sec. 12,T10N,R5W) downstream to mouth at Elochoman River (Sec.26,T10N,R5W).
(9) Elochoman River (West Fk.)	Skamokawa 15	From the confluence of West Fork Elochoman R. and unnamed creek (Sec. 21,T10N,R5W) downstream to mouth at Elochoman River (Sec.26, same township).
(10) Falk Creek	Skamokawa 15	From an approximate point (SE1/4 of NW1/4 of SW1/4 of Sec.33,T10N,R6W) downstream to mouth at Skamokawa Creek (Sec.5, T9N,R6W).
(11) Fossil Creek	Grays River 15	From the confluence of Fossil Cr. and an unnamed cr. (Sec.10,T10N,R7W) downstream to mouth at Grays River (Sec.9, same township).
(12) Grays River (Cont.)	Grays River 15	From the Pacific Co. line (Sec.2,T10N,R7W) downstream to mouth of Grays Bay (Sec.32,T10N,R8W).
(13) Grays River (S.Fork)	Skamokawa 15	From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N,R6W) downstream to Pacific County line (Sec.5, same township).
(14) Grays River (W.Fk.) (Cont.)	Grays River 15	From the Pacific County line (NW1/4 of NW1/4 Sec.4, T10N,R7W) downstream to mouth at Grays River (Sec.9, same township).
(15) Hull Creek (Cont.)	Grays River 15	From Pacific County line (Sec.5,T10N,R7W) downstream to mouth at Grays R. (Sec.13,T10N,R8W).
(16) Jim Crow Creek	Grays River 15	From the confluence of Jim Crow Creek and unnamed creek (Sec.4,T9N,R7W) downstream to mouth at Columbia River (Sec.16, same township).
(17) McDonald Creek	Skamokawa 15	From the confluence of McDonald Creek and unnamed creek (Sec.22,T10N,R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).
(18) Mill Creek	Cathlamet 15 Clatskanie 15	From the NW Section corner (Sec.25,T9N,R5W) downstream to the Cowlitz County line (Sec.31,T9N,R4W).
(19) Naselle River	Grays River 15	From the Pacific County line (Sec.6,T10N,R8W) downstream back to Pacific Co. line (same section).
(20) Nelson Creek	Cathlamet 15	From the intersection of Nelson Cr. and State Highway 4 (Sec.25,T9N, R6W) downstream to mouth at Elochoman River (Sec.26, same township).
(21) Otter Creek	Ryderwood 15	From the confluence of Otter Cr. and unnamed creek near the north section line (Sec.7, T10N,R4W) downstream to the East Fk. Elochoman R. (same section).
(22) Salmon Creek (Cont.)	Grays River 15	From the Pacific County line (Sec.5,T10N,R8W) downstream to Pacific County line (Sec.7, same township).
(23) Skamokawa Creek	Skamokawa 15	From the confluence of McDonald Creek and Standard Creek (Sec.28, T10N,R6W) downstream to mouth at Columbia River (Sec.17,T9N,R6W).

Stream Name	Quadrangle Name and Size	Legal Description
(24) Skamokawa Creek (Left Fk.)	Skamokawa 15	From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec.19,T10N,R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).
(25) Skamokawa Creek (West Fk.)	Skamokawa 15	From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec.31, T10N,R6W) downstream to Skamokawa Creek (Sec.8, T9N,R6W).
(26) West Valley Creek	Skamokawa 15	From an approximate point (NE1/4 of Sec.1,T9N,R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec.6,T9N,R6W).
(27) Wilson Creek	Skamokowa 15	From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec.5,T9N,R5W) downstream to mouth at Skamokawa Creek (Sec.5, T9N,R6W).

[Order DE 76-14, § 173-18-390, filed 5/3/76; Order 73-14, § 173-18-390, filed 8/27/73; Order DE 72-13, § 173-18-390, filed 6/30/72.]

WAC 173-18-400 Walla Walla county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.
(2) Dry Cr.	Walla Walla 30 Lowden 7 1/2 College Place 7 1/2 Hadley 7 1/2 Valley Grove 7 1/2 Dixie 7 1/2	From an approximate point near the center of quarter section (SE1/4 of Sec.36, T8N,R36E) downstream to mouth at Walla Walla River (Sec.29,T7N,R34E).
(3) Mill Cr.	Walla Walla 30 Kooskooskie 7 1/2 Buroker 7 1/2 Walla Walla 7 1/2 College Place 7 1/2	From the Wash.-Ore. State boundary (Sec.18,T6N, R38E) downstream to mouth at Walla Walla River (Sec.31,T7N,R35E) exclude left bank (Sec. 32, same township).
(4) Snake R. (Cont.)*		Snake River within Walla Walla County is under federal jurisdiction. This stream has over 300 sq. miles drainage area and over 200 cfs MAF at Columbia County line.
(5) Touchet River (Cont.)*	Walla Walla 30 Eureka 7 1/2 Rulo 7 1/2 Welland 7 1/2 Touchet 7 1/2 Huntsville 7 1/2 Waitsburg 7 1/2 Prescott 7 1/2 Harsha 7 1/2	From the Columbia County line (Sec.12,T9N,R37E) downstream to mouth on Walla Walla River (Sec.4, T6N,R33E). This river has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec. 11,T9N,R37E).
(6) Walla Walla River*	Walla Walla 30 College Place 7 1/2 Lowden 7 1/2 Touchet 7 1/2 Zangar Junction 7 1/2 Wallula 7 1/2	From the Washington-Oregon boundary (Sec.13, T6N,R35E) downstream to mouth at Lake Wallula (Sec.26,T7N,R31E). This river has 300 sq. miles of drainage area at Washington-Oregon boundary.

[Order DE 76-14, § 173-18-400, filed 5/3/76; Order 73-14, § 173-18-400, filed 8/27/73; Order DE 72-13, § 173-18-400, filed 6/30/72.]

WAC 173-18-410 Whatcom county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Anderson Creek	Lyden 15 Lawrence 7 1/2	From confluence of Anderson Creek and unnamed creek (Sec.7,T38N,R4E) downstream to mouth at Nooksack River (Sec.17,T39N,R4E).
(2) Austin Creek	Samish Lake 15 Lake Whatcom 7 1/2	From confluence of Austin Creek and Beaver Creek (Sec.7,T37N,R4E) downstream to mouth at Lake Whatcom (Sec.5, same township).
(3) Bertrand Creek	Blaine 15 Bertrand Creek 7 1/2	Beginning at US, Canada border (Sec.35,T41N,R2E) downstream to mouth at Nooksack R. (Sec.34,T40N, R2E).
(4) Boulder Creek	Van Zandt 15	From confluence of Boulder Creek and unnamed creek (Sec.22,T40N,R6E) downstream to mouth at Nooksack River (Sec.28, same township).
(5) Breckenridge Creek	Lynden 15 Sumas 7 1/2	From approximate point (SE1/4 of NW1/4 Sec.26,T40N, R4E) downstream to mouth Sumas River (Sec.29, same township).
(6) California Creek	Blaine 15 Blaine 7 1/2	From confluence of California Creek and unnamed creek (Sec.27, T40N,R1E) downstream to mouth at Drayton Harbor (Sec.18, same township).
(7) Canyon Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.25, T40N,R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).
(8) Canyon Creek	Van Zandt 15	From confluence of Canyon Creek and unnamed creek (Sec.32,T39N,R6E) downstream through Canyon Lake to mouth at Nooksack River M. Fork (Sec.34,T39N,R5E).
(9) Clearwater Creek	Mt. Baker 15 Van Zandt 15	Beginning at Mt. Baker National Forest boundary (Sec.11,T38N,R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).
(10) Coal Creek	Van Zandt 15	From an approximate point (SW1/4 of SE1/4 Sec.4,T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(11) Dakota Creek	Blaine 15 Blaine 7 1/2	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14,T40N, R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).
(12) Fishtrap Creek	Lynden 15 Lynden 7 1/2 Bertrand 7 1/2	From the British Columbia–Washington State border (Sec.34, T41N,R3E) downstream to mouth at Nooksack River (Sec.35,T40N,R2E).
(13) Friday Creek	Samish Lake 15 Lake Whatcom 7 1/2	From the outflow of Samish Lake on southern tip (Sec. 36,T37N,R3E) downstream to Skagit County line (same section).
(14) Galbraith Creek	Wickersham 15 Van Zandt 15	From confluence of Galbraith Creek and unnamed creek (Sec.33, T38N,R6E) downstream to mouth at Nooksack River (Sec.27, same township).
(15) Hayden Creek	Hamilton 15 Wickersham 15	From confluence of Hayden Creek and unnamed creek (Sec.26,T37N,R6E) downstream to mouth at Skookum Creek (Sec.22 same township).
(16) Howard Creek	Hamilton 15	From confluence of Howard Creek and unnamed creek (Sec.35,T37N,R6E) downstream to Skagit County line (Sec.36, same township).
(17) Hutchinson Creek	Wickersham 15	From confluence of Hutchinson Creek and unnamed creek (Sec.1, T37N,R5E) downstream to mouth at Nooksack River South Fork (Sec.9, same township).
(18) Johnson Creek (in flood plain)	Lynden 15 Sumas 7 1/2 Van Zandt 15	From confluence of Johnson Creek and unnamed creek near north section line (Sec.8, T40N,R4E) downstream to mouth at Sumas River (Sec.35,T41N,R4E).
(19) Kendall Creek	Van Zandt 15	Beginning where medium duty highway crosses Kendall Creek (Sec.27,T40N, R5E) downstream to mouth at Nooksack River (Sec.3, T39N,R5E).
(20) Maple Creek	Van Zandt 15	Beginning where unimproved dirt road crosses Maple Creek (Sec.18,T40N,R6E) downstream to mouth at Nooksack River (Sec.31, same township).
(21) Nooksack River*	Mt. Baker* 15 Lawrence 7 1/2 Sumas 7 1/2 Lynden 7 1/2 Bertrand 7 1/2 Ferndale 7 1/2 Van Zandt 15	Beginning at east section line (Sec.5,T39N,R7E) south bank only, both sides starting at east section line (Sec.1, T39N,R6E), downstream to mouth at Bellingham Bay (Sec.19,T38N, R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek.
(22) Nooksack River (M.Fk.)	Mt. Baker 15 Van Zandt 15	From Mt. Baker National Forest boundary (Sec.25, T38N,R6E) downstream to mouth at Nooksack River (Sec.27,T39N,R5E).
(23) Nooksack River (N.Fk.)	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.5, T39N,R7E) downstream to where the medium–duty road crosses Nooksack River (Sec.2,T39N,R6E).
(24) Nooksack River (S.Fk.) (Cont.)*	Wickersham * 15 Van Zandt 15	From Skagit County line (Sec.35,T37N,R5E) downstream to mouth at Nooksack River (Sec. 6,T38N,R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9,T37N,R5E).
(25) Orsino Creek	Wickersham 15	From an approximate point (SE1/4 of NW1/4 Sec.9,T37N, R6E) downstream to mouth at Skookum Creek (Sec.16, same township).
(26) Porter Creek	Van Zandt 15	From confluence of Porter Creek and unnamed creek (Sec.12,T38N,R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).
(27) Racehorse Creek	Van Zandt 15	Beginning at north section line (SW1/4 of NE1/4 of Sec.21,T39N,R6E) downstream to mouth at Nooksack River (Sec.10,T39N,R5E).
(28) Rocky Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.35, T39N,R6E) downstream to mouth at Clearwater Creek (Sec.2,T38N,R6E).
(29) Saar Creek	Van Zandt 15	From an approximate point (NW1/4 of SE1/4 Sec.7,T40N, R5E) downstream to British Columbia–Washington State boundary (Sec.32,T41N,R5E).
(30) Samish River (in flood plain)	Wickersham 15	From confluence of Samish River and unnamed creek (Sec.31,T37N,R5E) downstream to Skagit County line (same section).
(31) Sisters Creek	Hamilton 15 Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.25, T38N,R6E) downstream to mouth at Nooksack River M. Fork (Sec.26, same township).
(32) Skookum Creek	Wickersham 15	From confluence of Hayden Creek and Fish Creek (Sec.22,T37N,R6E) downstream to mouth at Nooksack River South Fork (Sec.27,T37N,R5E).
(33) Smith Creek (in flood plain)	Lynden 15 Lawrence 7 1/2	From confluence of Smith Creek and unnamed creek (Sec.26,T39N,R4E) downstream to mouth at Nooksack River (Sec.21, same township).
(34) Squalicum Creek	Lynden 15 Bellingham N. 7 1/2 Ferndale 7 1/2	Beginning where unimproved dirt road crosses Squalicum Creek (Sec.9,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.24,T38N,R2E).
(35) Sumas River	Lynden 15 Van Zandt 15 Sumas 7 1/2	From confluence of Sumas River and Dale Creek (Sec. 4,T39N,R4E) downstream to British Columbia–Washington State boundary (Sec.36,T41N,R4E).

Stream Name	Quadrangle Name and Size	Legal Description
(36) Tenmile Creek	Lynden 15 Bellingham North 7 1/2 Ferndale 7 1/2 Lynden 7 1/2	From east section line (Sec.17,T39N,R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20,T39N,R2E).
(37) Terrell Creek	Blaine 7 1/2 Birch Point 7 1/2	Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2,T39N,R1W) downstream to mouth at Birch Bay (Sec.30,T40N, R1E).
(38) Unnamed tributary flowing to Canada	Mt. Baker 15 Van Zandt 15	From an approximate point (between NW1/4 and NE1/2 Sec.2,T40N,R6E) to downstream to British Columbia–Washington State boundary (Sec.34,T41N,R6E).
(39) Warm Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.24, T38N,R6E) downstream to mouth at Nooksack River M.Fk. (Sec.25, same township).
(40) West Cornell Creek	Mt. Baker 15	From confluence of unnamed creek and West Cornell Creek (Sec.13,T39N,R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township).
(41) Whatcom Creek	Bellingham N. 7 1/2	From the outlet of Lake Whatcom (Sec.28,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.30, same township).
(42) Glacier Creek	Mt. Baker 15	From confluence of Glacier Creek and Davis Creek (Sec.8,T39N,R7E) downstream to mouth at North Fork Nooksack River (Sec.6, same township).
(43) Padden Creek	Bellingham S. 7 1/2	From confluence of unnamed creek and Padden Creek (NW1/4 Sec.7,T37N,R3E) downstream to mouth on Bellingham Bay (Sec.1, T37N,R2E).
(44) Anderson Creek	Wickersham 15 Lake Whatcom 7 1/2	From outlet on Mirror Lk. (Sec.30,T37N,R5E) downstream to mouth on Lake Whatcom (Sec.27,T37N,R4E).
(45) Chuckanut Creek	Bellingham S. 7 1/2	From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17,T37N, R3E) downstream to mouth at Chuckanut Bay (Sec.13, T37N,R2E).
(46) Smith Creek	Lake Whatcom 7 1/2	From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4,Sec.33,T38N, R4E) downstream to mouth on Lake Whatcom (Sec.5, T37N,R4E).

[Order DE 76–14, § 173–18–410, filed 5/3/76; Order 73–14, § 173–18–410, filed 8/27/73; Order DE 72–13, § 173–18–410, filed 6/30/72.]

WAC 173–18–420 Whitman county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Hangman Creek (Latah Creek)	Tekoa 7 1/2 Oaksdale 7 1/2 Fairfield 15	From the Washington–Idaho boundary (Sec.29,T20N, R46E) downstream to Whitman–Spokane County line (Sec.4,T29N,R45E).
(2) Palouse River (S. Fork)	Pullman 7 1/2 Albion 7 1/2 Colfax South 7 1/2 Colfax North 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16,T14N,R45E) downstream to mouth at Palouse River (Sec.11, T16N,R43E) in Colfax.
(3) Palouse River*	Palouse 7 1/2 Elberton 7 1/2 Colfax 7 1/2 Diamond 7 1/2 Endicott 15 La Crosse 15 Benge 15 Starbuck 15	From the Washington–Idaho boundary (Sec.5,T16N, R46E) downstream to Adams County line (Sec.24,T16N, R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19,T13N,R37E). The flow is 200 cfs MAF at Washington–Idaho boundary.
(4) Pine Creek*	Rosalia 7 1/2 Spangle 15 Malden* 7 1/2 Pine City 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N,R44E) downstream to mouth at Rock Creek (Sec.15,T20N,R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N,R42E).
(5) Rock Creek*	Pine City 7 1/2 Rock Lake 7 1/2 Ewan 7 1/2 Texas Lake 7 1/2 Revere 7 1/2 La Crosse 15	From the confluence of Rock Creek and Pine Creek (Sec.15,T20N,R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5,T16N, R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek & Pine Creek.
(6) Snake River*	Clarkston * 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Almota 7 1/2 Penawawa 15 Hay 15 Starbuck 15	From the Washington–Idaho boundary (Sec.16,T36N, R46E) downstream along the Whitman–Asotin County line and Garfield–Whitman County line and Columbia–Whitman County line to the Franklin County line (Sec.30, T13N,R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington–Idaho border.
(7) Union Flat Creek*	Ewartsville 7 1/2 Colfax South 7 1/2 Wilcox 7 1/2 Endicott 15 La Crosse* 15	From the confluence of Wilbur Creek and Union Flat Creek (Sec.6,T14N, R44E) downstream to mouth at Palouse River (Sec.35, T16N,R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31,T16N, R39E).

[Order DE 76–14, § 173–18–420, filed 5/3/76; Order 73–14, § 173–18–420, filed 8/27/73; Order DE 72–13, § 173–18–420, filed 6/30/72.]

WAC 173-18-430 Yakima county. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Ahtanum Creek	Tampico 7 1/2 Wiley City 7 1/2 Yakima West 7 1/2 Yakima East 7 1/2	From confluence of North and South Forks of Ahtanum Creek (Sec.17,T12N,R16E) downstream to mouth at Yakima River (Sec.17, T12N,R19E) excluding those reaches within Yakima Indian Reservation.
(2) Ahtanum Creek (N.Fk.)	Foundation Ridge 7 1/2 Pine Mtn. 7 1/2 Tampico 7 1/2	From confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec.24,T12N,R14E) downstream to mouth at Ahtanum Creek South Fork (Sec.17,T12N,R16E).
(3) Ahtanum Creek (S.Fk.)	Pine Mtn. 7 1/2 Tampico 7 1/2	From confluence of unnamed creek and Ahtanum Creek South Fork (Sec.24,T12N,R15E) downstream to mouth at Ahtanum Creek (left bank only).
(4) Columbia River*	Priest Rapids 15	From the Yakima Firing Center boundary (Sec.3, T13N,R23E) downstream along the Grant-Yakima County line to Benton County line (Sec.12, T13N,R23E). The flow exceeds 200 cfs MAF at Yakima Firing Center boundary.
(5) Cowiche Creek (S. Fork)	Tieton 7 1/2 Naches 7 1/2 Wiley City 7 1/2 Yakima 7 1/2 Selah West 7 1/2	From an approximate point (NW1/4 of NE1/4 Sec.33,T14N,R16E) downstream through Cowiche Creek to mouth at Naches River (Sec.9,T13N,R18E).
(6) Bumping River*	Bumping Lake * 15 Old Scab Mtn. 7 1/2 Cliffdell 7 1/2	From U.S.G.S. gaging station (Sec.23,T16N,R12E) downstream to mouth at Naches and Little Naches Rivers (Sec.4,T17N,R14E). Exclude federal lands. The flow is over 200 cfs MAF at U.S.G.S. gaging station.
(7) Little Naches River*	Lester 15 Easton* 15 Cliffdell 7 1/2	From confluence of North Fork & Middle Fork Little Naches River (Sec.36,T19N,R12E) downstream to mouth at Naches River (Sec.4,T17N,R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30,T18N,R14E).
(8) Naches River*	Cliffdell 7 1/2 Manastash Lake 7 1/2 Nile 7 1/2 Milk Canyon 7 1/2 Tieton 7 1/2 Naches 7 1/2 Selah 7 1/2	From confluence of Little Naches River & Bumping River (Sec.4,T17N,R14E) downstream to mouth at Yakima River (Sec.12,T13N,R18E). Exclude federal lands. The flow is 200 cfs MAF at confluence of Little Naches River & Bumping River.
(9) Rattlesnake Creek*	Meeks Table 7 1/2 Nile 7 1/2	From Snoqualmie National Forest boundary (Sec.6, T15N,R15E) downstream to mouth at Naches River (Sec.3, same township). The flow at Snoqualmie N.F. boundary is 200 cfs MAF.
(10) Tieton River*	Weddle Canyon 7 1/2 Tieton* 7 1/2	From west section line (Sec.29,T14N,R15E) downstream to mouth at Naches River (Sec.35,T15N,R16E). Exclude federal lands. The flow is 200 cfs MAF at west section line (Sec.29,T14N,R15E).
(11) Tieton River (S. Fk.)	White Pass 15 Rimrock Lake 7 1/2	From the south section line (Sec.23,T12N,R12E) downstream to mouth at Rimrock Lake (Sec.7,T13N,R14E). Exclude federal lands.
(12) Yakima River (Cont.)*	Pomona * 7 1/2 Selah 7 1/2 Yakima East 7 1/2 Wapato 7 1/2 Toppenish 7 1/2 Granger N.W. 7 1/2 Granger 7 1/2 Sunnyside 7 1/2 Mabton West 7 1/2 Mabton East 7 1/2 Prosser 7 1/2	From the Kittitas County line (Sec.33,T15N,R19E) downstream, excluding all federal lands and Yakima Indian Reservation, to Benton County line (Sec. 7,T8N,R24E). The flow exceeds 200 cfs MAF at Kittitas County line.

[Order DE 76-14, § 173-18-430, filed 5/3/76; Order 73-14, § 173-18-430, filed 8/27/73; Order DE 72-13, § 173-18-430, filed 6/30/72.]

Chapter 173-19 WAC
SHORELINE MANAGEMENT ACT OF 1971--STATE MASTER PROGRAM

WAC

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Reviser's note: Shoreline master programs for various areas of the state were filed by Order DE 77-16, filed September 9, 1977, and Order DE 77-28, filed October 24, 1977, and have been omitted from publication by the authority of RCW 34.04.050. Copies may be obtained from the department of ecology.

WAC 173-19-010 Purpose. Pursuant to RCW 90-.58.090, the department of ecology must adopt or approve the master programs submitted to it by all local governments. In order to facilitate the administration and enforcement of these master programs, they are incorporated by reference in this state master program. [Order DE 74-23, § 173-19-010, filed 12/30/74.]

WAC 173-19-020 Definitions. As used herein, the following words have the following meanings:

(1) "Department" means the department of ecology.

(2) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to this chapter.

(3) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.

(4) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology.

In addition, the definitions and concepts set forth in section 3 of the Act shall also apply as used herein. [Order DE 74-23, § 173-19-020, filed 12/30/74.]

WAC 173-19-030 Master programs organized by county. The master programs have been assigned numbers and are listed alphabetically by county. The master programs for incorporated cities and towns are grouped alphabetically within the county subsections. Each city is listed under separate number (for example WAC 173-19-100(1)). [Order DE 74-23, § 173-19-030, filed 12/30/74.]

WAC 173-19-040 Date of adoption or approval. The date of adoption or approval of each master program by the department is set forth beside the name of the appropriate local government. [Order DE 74-23, § 173-19-040, filed 12/30/74.]

WAC 173-19-050 Incorporation by reference. Due to the sheer bulk of the master programs adopted or approved by the department, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full force and effect as published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, with the Washington state code reviser and the county auditor or city clerk as appropriate. Copies of portions thereof, or the complete set, will be provided by the department at the expense of the party requesting the same. [Order DE 74-23, § 173-19-050, filed 12/30/74.]

WAC 173-19-060 Revising of master programs. (1) At any time after adoption or approval of the master program by the department, local government may propose additions, deletions, or modifications to the master program deemed necessary by local government to bring the master program into compliance with chapter 90.58 RCW or chapter 173-16 WAC or to reflect changing local circumstances or improved data. The revised master program shall be submitted to the department for review and formal action. The local government shall also notify all abutting local governments affected by any proposed environment designation modifications at the same time it submits these changes to the department. The department shall take formal action on the proposed revision of the master program within forty-five days of receipt by the department and, shall state in detail, the precise facts upon which that decision is based and shall submit to the local government suggested modifications to the program to make it consistent with chapter 90.58 RCW or chapter 173-16 WAC. Any resubmitted program shall be acted upon by the department within thirty days after receipt of the resubmitted program, and shall take effect with the form and content as is approved by the department. [Order DE 74-23, § 173-19-060, filed 12/30/74.]

WAC 173-19-070 Appeal procedures for master programs. The procedures for appeals by local government of master programs and revisions thereto shall be governed by RCW 90.58.180(4) and 90.58.180(5). [Order DE 74-23, § 173-19-070, filed 12/30/74.]

WAC 173-19-080 Applicability of master program to federal agencies. The state master program shall be applicable to the following manner to federal agencies on lands meeting the criteria of the shoreline management act and the department for shorelines of the state:

(1) The master program shall not be applicable to activities of federal agencies on lands owned in fee by the federal government unless the federal government grants or reserves to the state or local government jurisdiction over uses on those lands.

(2) When and if the pertinent portion of the Washington state shoreline program is approved under the coastal zone management act, 16 USC 1451 et seq., the federal government shall be subject to the state

master program as provided by the coastal zone management act.

(3) The state master program shall apply to non-federal development or uses, otherwise subject to the shoreline management act, undertaken on lands under non-federal ownership, lease, or easement even though such lands may fall within the external boundaries of a federal ownership.

(4) The state master program shall apply to development or uses otherwise subject to the shoreline management act on lands not federally owned, but under lease, easement, license, or other similar federal property right short of ownership, to the federal government. [Order DE 74-23, § 173-19-080, filed 12/30/74.]

WAC 173-19-090 Adams County. Adams County master program approved or adopted June 2, 1977. [Order DE 77-16, § 173-19-090, filed 9/9/77; Order DE 74-23, § 173-19-090, filed 12/30/74.]

WAC 173-19-100 Asotin County. Asotin County master program approved or adopted October 22, 1974.

(1) Asotin master program approved or adopted March 7, 1975.

(2) Clarkston master program approved or adopted March 7, 1975. [Order DE 75-21, § 173-19-100, filed 8/12/75; Order DE 74-23, § 173-19-100, filed 12/30/74.]

WAC 173-19-110 Benton County. Benton County master program approved or adopted April 25, 1974.

(1) Benton City master program approved or adopted August 25, 1975.

(2) Kennewick master program approved or adopted December 11, 1974.

(3) Prosser master program approved or adopted June 2, 1975.

(4) Richland master program approved or adopted September 9, 1974.

(5) West Richland master program approved or adopted October 22, 1974. [Order DE 76-15, § 173-19-110, filed 5/3/76; Order DE 75-21, § 173-19-110, filed 8/12/75; Order DE 74-23, § 173-19-110, filed 12/30/74.]

WAC 173-19-120 Chelan County. Chelan County master program approved or adopted April 22, 1975.

(1) Cashmere master program approved or adopted April 22, 1975.

(2) Chelan master program approved or adopted April 22, 1975.

(3) Entiat master program approved or adopted April 22, 1975.

(4) Leavenworth master program approved or adopted April 22, 1975.

(5) Wenatchee master program approved or adopted April 22, 1975. [Order DE 75-21, § 173-19-120, filed 8/12/75; Order DE 74-23, § 173-19-120, filed 12/30/74.]

WAC 173-19-130 Clallam County. Clallam County master program approved or adopted August 5, 1976.

(1) Port Angeles master program approved or adopted August 5, 1976. [Order DE 77-16, § 173-19-130, filed 9/9/77; Order DE 74-23, § 173-19-130, filed 12/30/74.]

WAC 173-19-140 Clark County. Clark County master program approved or adopted December 18, 1974.

(1) Camas master program approved or adopted ----------.

(2) LaCenter master program approved or adopted December 18, 1974.

(3) Ridgefield master program approved or adopted ----------.

(4) Vancouver master program approved or adopted September 25, 1975.

(5) Washougal master program approved or adopted September 12, 1974. [Order DE 76-15, § 173-19-140, filed 5/3/76; Order DE 74-23, § 173-19-140, filed 12/30/74.]

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WAC 173-19-150 Columbia County. Columbia County master program approved or adopted September 22, 1975.

(1) Dayton master program approved or adopted September 22, 1975.

(2) Starbuck master program approved or adopted September 22, 1975. [Order DE 76-15, § 173-19-150, filed 5/3/76; Order 74-23, § 173-19-150, filed 12/30/74.]

WAC 173-19-160 Cowlitz County. Cowlitz County master program approved or adopted ----------.

(1) Castle Rock master program approved or adopted ----------.

(2) Kalama master program approved or adopted ----------.

(3) Kelso master program approved or adopted ----------.

(4) Longview master program approved or adopted May 19, 1977.

(5) Woodland master program approved or adopted ----------. [Order DE 77-16, § 173-19-160, filed 9/9/77; Order DE 74-23, § 173-19-160, filed 12/30/74.]

WAC 173-19-170 Douglas County. Douglas County master program approved or adopted February 20, 1975.

(1) Bridgeport master program approved or adopted February 22, 1975.

(2) East Wenatchee master program approved or adopted February 22, 1975.

(3) Rock Island master program approved or adopted February 22, 1975. [Order DE 75-21, § 173-19-170, filed 8/12/75; Order DE 74-23, § 173-19-170, filed 12/30/74.]

WAC 173-19-180 Ferry County. Ferry County master program approved or adopted October 21, 1975.

(1) Republic master program approved or adopted October 21, 1975. [Order DE 76-15, § 173-19-180,

filed 5/3/76; Order DE 74-23, § 173-19-180, filed 12/30/74.]

WAC 173-19-190 Franklin County. Franklin county master program approved or adopted December 10, 1974. Amended December 12, 1975.

(1) Pasco master program approved or adopted December 10, 1974. Amended December 12, 1975. [Order DE 76-15, § 173-19-190, filed 5/3/76; Order DE 74-23, § 173-19-190, filed 12/30/74.]

WAC 173-19-200 Garfield County. Garfield county master program approved or adopted September 13, 1974. [Order DE 74-23, § 173-19-200, filed 12/30/74.]

WAC 173-19-210 Grant County. Grant County master program approved or adopted September 16, 1975.

(1) Krupp master program approved or adopted September 16, 1975.

(2) Moses Lake master program approved or adopted December 18, 1974.

(3) Soap Lake master program approved or adopted November 19, 1974.

(4) Wilson Creek master program approved or adopted September 16, 1975. [Order DE 76-15, § 173-19-210, filed 5/3/76; Order DE 74-23, § 173-19-210, filed 12/30/74.]

WAC 173-19-220 Grays Harbor County. Grays Harbor County master program approved or adopted August 6, 1975.

(1) Aberdeen master program approved or adopted June 30, 1975.

(2) Cosmopolis master program approved or adopted August 12, 1974.

(3) Elma master program approved or adopted September 18, 1974.

(4) Hoquiam master program approved or adopted April 14, 1976.

(5) Montesano master program approved or adopted ----------.

(6) Oakville master program approved or adopted ----------.

(7) Ocean Shores master program approved or adopted August 12, 1974.

(8) Westport master program approved or adopted November 7, 1974. [Order DE 77-16, § 173-19-220, filed 9/9/77; Order DE 75-21, § 173-19-220, filed 8/12/75; Order DE 74-23, § 173-19-220, filed 12/30/74.]

WAC 173-19-230 Island County. Island county master program approved or adopted June 25, 1976.

(1) Coupeville master program approved or adopted June 25, 1976.

(2) Langley master program approved or adopted June 25, 1976.

(3) Oak Harbor master program approved or adopted June 25, 1976. [Order DE 77-16, § 173-19-230, filed 9/9/77; Order DE 74-23, § 173-19-230, filed 12/30/74.]

WAC 173-19-240 Jefferson County. Jefferson County master program approved or adopted December 20, 1974.

(1) Port Townsend master program approved or adopted December 20, 1974. [Order DE 75-21, § 173-19-240, filed 8/12/75; Order DE 74-23, § 173-19-240, filed 12/30/74.]

WAC 173-19-250 King County. King County master program approved or adopted July 8, 1976. Amended November 22, 1976.

(1) Auburn master program approved or adopted April 4, 1974.

(2) Beaux Arts master program approved or adopted August 12, 1974.

(3) Bellevue master program approved or adopted February 26, 1975.

(4) Black Diamond master program approved or adopted ----------.

(5) Bothell master program approved or adopted February 27, 1975. Amended January 31, 1977.

(6) Carnation master program approved or adopted August 16, 1974.

(7) Des Moines master program approved or adopted April 3, 1974.

(8) Duvall master program approved or adopted August 12, 1974.

(9) Hunts Point master program approved or adopted July 2, 1975.

(10) Issaquah master program approved or adopted ----------.

(11) Kent master program approved or adopted April 9, 1974.

(12) Kirkland master program approved or adopted August 27, 1974.

(13) Lake Forest Park master program approved or adopted April 19, 1974.

(14) Medina master program approved or adopted November 22, 1974.

(15) Mercer Island master program approved or adopted September 24, 1974.

(16) Normandy Park master program approved or adopted April 5, 1974.

(17) North Bend master program approved or adopted September 18, 1974.

(18) Pacific master program approved or adopted September 19, 1974.

(19) Redmond master program approved or adopted September 20, 1974.

(20) Renton master program approved or adopted January 23, 1976.

(21) Seattle master program approved or adopted June 30, 1976. Amended March 11, 1977.

(22) Skykomish master program approved or adopted ----------.

(23) Snoqualmie master program approved or adopted August 16, 1974.

(24) Tukwila master program approved or adopted September 26, 1974.

(25) Yarrow Point master program approved or adopted March 13, 1975. [Order DE 77-28, § 173-19-250, filed 10/24/77; Order DE 77-16, § 173-19-250, filed 9/9/77; Order DE 76-15, § 173-19-250, filed 5/3/76; Order DE 75-21, § 173-19-250, filed 8/12/75; Order DE 74-23, § 173-19-250, filed 12/30/74.]

WAC 173-19-260 Kitsap County. Kitsap County master program approved or adopted April 30, 1976.

(1) Bremerton master program approved or adopted ----------.

(2) Port Orchard master program approved or adopted March 10, 1977.

(3) Poulsbo master program approved or adopted January 12, 1976. Amended October 21, 1976.

(4) Winslow master program approved or adopted ----------. [Order DE 77-16, § 173-19-260, filed 9/9/77; Order DE 76-15, § 173-19-260, filed 5/3/76; Order DE 74-23, § 173-19-260, filed 12/30/74.]

WAC 173-19-270 Kittitas County. Kittitas County master program approved or adopted September 3, 1975.

(1) Cle Elum master program approved or adopted ----------.

(2) Ellensburg master program approved or adopted ----------.

(3) South Cle Elum master program approved or adopted June 28, 1976. [Order DE 77-16, § 173-19-270, filed 9/9/77; Order DE 76-15, § 173-19-270, filed 5/3/76; Order DE 74-23, § 173-19-270, filed 12/30/74.]

WAC 173-19-280 Klickitat County. Klickitat County master program approved or adopted August 29, 1975.

(1) Bingen master program approved or adopted August 29, 1975.

(2) Goldendale master program approved or adopted August 29, 1975.

(3) White Salmon master program approved or adopted August 29, 1975. [Order DE 76-15, § 173-19-280, filed 5/3/76; Order DE 74-23, § 173-19-280, filed 12/30/74.]

WAC 173-19-290 Lewis County. Lewis County master program approved or adopted November 1, 1974.

(1) Centralia master program approved or adopted ----------.

(2) Chehalis master program approved or adopted February 10, 1977.

(3) Morton master program approved or adopted ----------.

(4) Pe Ell master program approved or adopted November 15, 1974.

(5) Toledo master program approved or adopted November 1, 1974.

(6) Vader master program approved or adopted ----------.

(7) Winlock master program approved or adopted ----------.

(8) Mossyrock master program approved or adopted ----------. [Order DE 77-16, § 173-19-290, filed 9/9/77; Order DE 74-23, § 173-19-290, filed 12/30/74.]

WAC 173-19-300 Lincoln County. Lincoln County master program approved or adopted February 25, 1977.

(1) Odessa master program approved or adopted ----------.

(2) Sprague master program approved or adopted ----------. [Order DE 77-16, § 173-19-300, filed 9/9/77; Order DE 74-23, § 173-19-300, filed 12/30/74.]

WAC 173-19-310 Mason County. Mason County master program approved or adopted August 6, 1975. Amended December 18, 1975.

(1) Shelton master program approved or adopted March 18, 1975. Amended December 18, 1975. [Order DE 76-15, § 173-19-310, filed 5/3/76; Order DE 75-21, § 173-19-310, filed 8/12/75; Order DE 74-23, § 173-19-310, filed 12/30/74.]

WAC 173-19-320 Okanogan County. Okanogan master program approved or adopted March 9, 1976.

(1) Brewster master program approved or adopted March 9, 1976.

(2) Conconully master program approved or adopted March 9, 1976.

(3) Okanogan master program approved or adopted March 9, 1976.

(4) Omak master program approved or adopted March 9, 1976.

(5) Oroville master program approved or adopted March 9, 1976.

(6) Pateros master program approved or adopted March 9, 1976.

(7) Riverside master program approved or adopted March 9, 1976.

(8) Tonasket master program approved or adopted March 9, 1976.

(9) Twisp master program approved or adopted March 9, 1976.

(10) Winthrop master program approved or adopted March 9, 1976. [Order DE 76-15, § 173-19-320, filed 5/3/76; Order DE 74-23, § 173-19-320, filed 12/30/74.]

WAC 173-19-330 Pacific County. Pacific County master program approved or adopted April 8, 1975.

(1) Ilwaco master program approved or adopted May 2, 1975.

(2) Long Beach master program approved or adopted May 2, 1975.

(3) Raymond master program approved or adopted ----------.

(4) South Bend master program approved or adopted May 2, 1975. [Order DE 75-21, § 173-19-330, filed 8/12/75; Order DE 74-23, § 173-19-330, filed 12/30/74.]

WAC 173-19-340 Pend Oreille County. Pend Oreille County master program approved or adopted April 18, 1975.

(1) Cusick master program approved or adopted April 18, 1975.

(2) Ione master program approved or adopted April 18, 1975.

(3) Metaline master program approved or adopted April 18, 1975.

(4) Metaline Falls master program approved or adopted April 18, 1975.

(5) Newport master program approved or adopted April 18, 1975. [Order DE 75-21, § 173-19-340, filed 8/12/75; Order DE 74-23, § 173-19-340, filed 12/30/74.]

WAC 173-19-350 Pierce County. Pierce County master program approved or adopted April 4, 1975. Amended November 16, 1976.

(1) Bonney Lake master program approved or adopted August 6, 1975.

(2) Buckley master program approved or adopted April 7, 1975.

(3) Dupont master program approved or adopted June 11, 1975.

(4) Eatonville master program approved or adopted April 29, 1975.

(5) Fife master program approved or adopted September 6, 1974.

(6) Gig Harbor master program approved or adopted September 10, 1975.

(7) Orting master program approved or adopted April 8, 1975.

(8) Puyallup master program approved or adopted May 31, 1974.

(9) Roy master program approved or adopted April 9, 1975.

(10) Ruston master program approved or adopted September 20, 1974.

(11) South Prairie master program approved or adopted ----------.

(12) Steilacoom master program approved or adopted ----------.

(13) Sumner master program approved or adopted December 11, 1974.

(14) Tacoma master program approved or adopted April 5, 1977.

(15) Wilkeson master program approved or adopted ----------. [Order DE 77-16, § 173-19-350, filed 9/9/77; Order DE 76-15, § 173-19-350, filed 5/3/76; Order DE 75-21, § 173-19-350, filed 8/12/75; Order DE 74-23, § 173-19-350, filed 12/30/74.]

WAC 173-19-360 San Juan County. San Juan County master program approved or adopted May 28, 1976. Amended October 29, 1976.

(1) Friday Harbor master program approved or adopted ----------. [Order DE 77-16, § 173-19-360, filed 9/9/77; Order DE 74-23, § 173-19-360, filed 12/30/74.]

WAC 173-19-370 Skagit County. Skagit County master program approved or adopted October 5, 1976.

(1) Anacortes master program approved or adopted April 9, 1976.

(2) Concrete master program approved or adopted March 3, 1977.

(3) Hamilton master program approved or adopted ----------.

(4) La Connor master program approved or adopted May 3, 1977.

(5) Lyman master program approved or adopted February 23, 1977.

(6) Mount Vernon master program approved or adopted May 16, 1977. [Order DE 77-16, § 173-19-370, filed 9/9/77; Order DE 74-23, § 173-19-370, filed 12/30/74.]

WAC 173-19-380 Skamania County. Skamania County master program approved or adopted September 6, 1974.

(1) North Bonneville master program approved or adopted September 6, 1974.

(2) Stevenson master program approved or adopted September 6, 1974. [Order DE 74-23, § 173-19-380, filed 12/30/74.]

WAC 173-19-390 Snohomish County. Snohomish County master program approved or adopted December 27, 1974.

(1) Arlington master program approved or adopted December 27, 1974.

(2) Brier master program approved or adopted December 27, 1974.

(3) Edmonds master program approved or adopted January 23, 1976.

(4) Everett master program approved or adopted January 5, 1976.

(5) Gold Bar master program approved or adopted December 27, 1974.

(6) Granite Falls master program approved or adopted December 27, 1974.

(7) Index master program approved or adopted December 27, 1974.

(8) Lake Stevens master program approved or adopted December 27, 1974.

(9) Marysville master program approved or adopted January 22, 1975.

(10) Monroe master program approved or adopted December 27, 1974.

(11) Mountlake Terrace master program approved or adopted December 27, 1974.

(12) Mukilteo master program approved or adopted September 20, 1974.

(13) Snohomish master program approved or adopted September 20, 1974.

(14) Stanwood master program approved or adopted April 9, 1976.

(15) Sultan master program approved or adopted December 27, 1974.

(16) Woodway master program approved or adopted December 27, 1974. [Order DE 77-16, § 173-19-390, filed 9/9/77; Order DE 76-15, § 173-19-390, filed

5/3/76; Order DE 75-21, § 173-19-390, filed 8/12/75; Order DE 74-23, § 173-19-390, filed 12/30/74.]

WAC 173-19-400 Spokane County. Spokane County master program approved or adopted January 15, 1975.

(1) Latah master program approved or adopted January 15, 1975.

(2) Medical Lake master program approved or adopted January 15, 1975.

(3) Rockford master program approved or adopted January 15, 1975.

(4) Millwood master program approved or adopted January 15, 1975.

(5) Spokane master program approved or adopted March 7, 1975. Amended October 5, 1976.

(6) Waverly master program approved or adopted January 15, 1975. [Order DE 77-16, § 173-19-400, filed 9/9/77; Order DE 75-21, § 173-19-400, filed 8/12/75; Order DE 74-23, § 173-19-400, filed 12/30/74.]

WAC 173-19-410 Stevens County. Stevens County master program approved or adopted ----------.

(1) Chewelah master program approved or adopted ----------.

(2) Northport master program approved or adopted ----------. [Order DE 74-23, § 173-19-410, filed 12/30/74.]

WAC 173-19-420 Thurston County. Thurston County master program approved or adopted May 21, 1976. Amended August 27, 1976.

(1) Bucoda master program approved or adopted May 21, 1976.

(2) Lacey master program approved or adopted May 21, 1976.

(3) Olympia master program approved or adopted May 21, 1976.

(4) Tenino master program approved or adopted May 21, 1976.

(5) Tumwater master program approved or adopted May 21, 1976.

(6) Yelm master program approved or adopted May 21, 1976. [Order DE 77-16, § 173-19-420, filed 9/9/77; Order DE 74-23, § 173-19-420, filed 12/30/74.]

WAC 173-19-430 Wahkiakum County. Wahkiakum County master program approved or adopted June 17, 1975.

(1) Cathlamet master program approved or adopted June 17, 1975. [Order DE 75-21, § 173-19-430, filed 8/12/75; Order DE 74-23, § 173-19-430, filed 12/30/74.]

WAC 173-19-440 Walla Walla County. Walla Walla County master program approved or adopted May 2, 1975.

(1) Waitsburg master program approved or adopted May 25, 1976.

(2) Walla Walla master program approved or adopted February 23, 1977. [Order DE 77-16, § 173-19-440, filed 9/9/77; Order DE 75-21, § 173-19-440, filed 8/12/75; Order 74-23, § 173-19-440, filed 12/30/74.]

WAC 173-19-450 Whatcom County. Whatcom county master program approved or adopted September 27, 1976. Amended April 11, 1977.

(1) Bellingham master program approved or adopted September 30, 1974.

(2) Blaine master program approved or adopted September 29, 1975.

(3) Everson master program approved or adopted September 29, 1975.

(4) Ferndale master program approved or adopted ----------.

(5) Lynden master program approved or adopted September 29, 1975.

(6) Nooksack master program approved or adopted September 29, 1975.

(7) Sumas master program approved or adopted September 29, 1975. [Order DE 77-16, § 173-19-450, filed 9/9/77; Order DE 76-15, § 173-19-450, filed 5/3/76; Order DE 74-23, § 173-19-450, filed 12/30/74.]

WAC 173-19-460 Whitman County. Whitman County master program approved or adopted February 6, 1975.

(1) Albion master program approved or adopted February 6, 1975.

(2) Colfax master program approved or adopted February 6, 1975.

(3) Malden master program approved or adopted February 6, 1975.

(4) Palouse master program approved or adopted February 6, 1975.

(5) Pullman master program approved or adopted February 6, 1975.

(6) Rosalia master program approved or adopted February 6, 1975.

(7) Tekoa master program approved or adopted February 6, 1975. [Order DE 75-21, § 173-19-460, filed 8/12/75; Order DE 74-23, § 173-19-460, filed 12/30/74.]

WAC 173-19-470 Yakima County. Yakima County master program approved or adopted September 5, 1974.

(1) Grandview master program approved or adopted September 5, 1974.

(2) Granger master program approved or adopted September 5, 1974.

(3) Naches master program approved or adopted September 5, 1974.

(4) Selah master program approved or adopted September 5, 1974.

(5) Union Gap master program approved or adopted September 5, 1974.

(6) Yakima master program approved or adopted September 5, 1974.

(7) Zillah master program approved or adopted September 5, 1974. [Order DE 75-21, § 173-19-470 filed

8/12/75; Order DE 74-23, § 173-19-470, filed 12/30/74.]

Chapter 173-20 WAC
SHORELINE MANAGEMENT ACT--LAKES CONSTITUTING SHORELINES OF THE STATE

WAC

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173-20-800	Lakes coming under purview of chapter 90.58 RCW—Yakima county lakes.
173-20-810	Lakes coming under purview of chapter 90.58 RCW—Yakima county lakes of state-wide significance.
173-20-820	Private lands within the confines of federal lands.

WAC 173-20-010 Purpose. The department of ecology, pursuant to RCW 90.58.300 is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the lakes which are classified as shorelines of the state. [Order DE 72-14, § 173-20-010, filed 6/30/72.]

WAC 173-20-020 Applicability. The provisions of this chapter shall apply state-wide. [Order DE 72-14, § 173-20-020, filed 6/30/72.]

WAC 173-20-030 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Lakes" means all the surface water areas of the state, including reservoirs; except

(a) Lakes less than twenty acres in size;

(b) Streams or rivers (as described in WAC 173-18-030);

(c) Shorelines of state-wide significance.

(2) "Lakes of state-wide significance" means those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high-water mark. [Order DE 72-14, § 173-20-030, filed 6/30/72.]

WAC 173-20-040 Lakes coming under purview of chapter 90.58 RCW. Volumes I and II of the book Lakes of Washington by Ernest E. Wolcott and updated information from the United States Geological Survey were used as reference material for this listing.

This listing includes only those lakes coming under purview of chapter 90.58 RCW.

Use designations are taken directly from Lakes of Washington as follows:

R – Recreation-wildlife, general public use, beautification, fishing, etc.

D – Domestic-private use, farm pond, fire protection, stock, garden, etc.

PS – Public supply, municipal use, civic, industrial use, etc.

P – Power Hydroelectric.

I – Irrigation.

Acreage given includes only water surface acres and not contiguous wetlands. [Order DE 73-13, § 173-20-040, filed 8/27/73; Order DE 72-14, § 173-20-040, filed 6/30/72.]

WAC 173-20-050 Lakes coming under purview of chapter 90.58 RCW——Adams county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T15N-R29E	4-SW1/4	Rodeo Lk.	60.0	R
(2) T15N-R29E	32-B	Linda Lk.	99.2	R
(3) T16N-R28E	3-A/B	Black Lks.-Upper	24.8	R
(4) T16N-R29E	16-N	Thread Lk.	29.4	R
(5) T16N-R29E	29-N	Unnamed Lk.	21.7	R
(6) T16N-R29E	31-G	Owl Lk.	20.6	R
(7) T17N-R38E	9-NE1/4	Twelve Mile Lk.	44.8	R
(8) T17N-R38E	9/16	Twelve Mile Slough	211.2	R
(9) T19N-R36E	36	Finnel Lk.	30.9	R
(10) T19N-R37E	15-SW1/4	Hallin Lk.	33.3	R
(11) T19N-R37E	21-N1/2	Cow Lk.	226.0	R
(12) T19N-R38E	3-W1/2	Green Lk.	79.7	R
(13) T19N-R38E	10-M/Na	Unnamed Lk.	26.1	R
(14) T20N-R37E	1-W1/2	Fourth of July Lk.	74.4 Adams Co. 35.9 Lincoln Co. 110.3 Total	R
(15) T20N-R38E	12	Pines Lk.(Alkali Lk)	120.8	R
(16) T20N-R38E	29	Palm Lk.	88.3	R

[Order DE 76-16, § 173-20-050, filed 5/3/76; Order DE 72-14, § 173-20-050, filed 6/30/72.]

WAC 173-20-060 Lakes coming under purview of chapter 90.58 RCW——Adams county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	1202.9 Adams Co. 637.7 Lincoln Co. 1840.6 Total	R

[Order DE 72-14, § 173-20-060, filed 6/30/72.]

WAC 173-20-070 Lakes coming under purview of chapter 90.58 RCW——Asotin county lakes. None [Order DE 72-14, § 173-20-070, filed 6/30/72.]

WAC 173-20-080 Lakes coming under purview of chapter 90.58 RCW——Asotin county lakes of state-wide significance. None [Order DE 72-14, § 173-20-080, filed 6/30/72.]

WAC 173-20-090 Lakes coming under purview of chapter 90.58 RCW——Benton county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R31E	5-SW1/4	Mound Pond	34.8	R
(2) T6N-R31E	7-NE1/4	Yellepit Pond	36.3	R

[Order DE 72-14, § 173-20-090, filed 6/30/72.]

WAC 173-20-100 Lakes coming under purview of chapter 90.58 RCW——Chelan county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R20E	21-B/C	Black Lk. (Spring Hill Reservoir)	28.1	R,I
(2) T21N-R20E	29-D	Upper Wheeler Res.	36.2	R,I
(3) T22N-R21E	29-K/Q	Three Lakes Res. (Cortez Lake)	32.9	R,I
(4) T22N-R21E	33-D	Meadow Lk.	35.7	R,I
(5) T23N-R16E	10-W1/2	Colchuck Lk.	87.8	R
(6) T24N-R14E	3-SE1/4	Klonaqua Lks.-Lower	66.0	R,I
(7) T24N-R14E	3-N/P	Klonaqua Lks.-Upper	67.0	R,I
(8) T24N-R16E	33-N	Eight Mile Lk. (Res.)	71.6	R
(9) T26N-R16E	19-A/H	Loch Eileen Lk.	24.8	R
(10) T26N-R16E	29-L	Chiwaukum Lk.	66.6	R
(11) T27N-R17E	22-D	Fish Lk.	513.3	R
(12) T28N-R21E	22-G	Grass Lk. (Dry Lk.)	76.8	R
(13) T28N-R21E	23-K	Wapato Lk.	185.6	R,I
(14) T28N-R21E	26-B	Alkali Lk.(Roses Lk)	179.2	R
(15) T29N-R21E	36-P	Antilon Lk. (Res.)	96.0	R,I
(16) T24N-R16E	9	Victoria Lk.	26.6	R

[Order DE 76-16, § 173-20-100, filed 5/3/76; Order DE 72-14, § 173-20-100, filed 6/30/72.]

WAC 173-20-110 Lakes coming under purview of chapter 90.58 RCW——Chelan county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	440.0 Chelan Co. 1184.0 Douglas Co. 6748.0 Grant Co. 6308.0 Kittitas Co. 14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Chelan Co. 1735.0 Douglas Co. 3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Chelan Co. 4930.0 Douglas Co. 9860.0 Total	R,P
(4) T27N-R17E	28-L	Wenatchee Lk.	2445.0	R
(5) T27N-R22E	13-J	Chelan Lk.	33104.0	R,I,P
(6) T28N-R24E	6/7	Wells Res.	97.0 Chelan Co. 4850.0 Douglas Co. 4753.0 Okanogan Co. 9700.0 Total	P,R

[Order DE 72-14, § 173-20-110, filed 6/30/72.]

WAC 173-20-120 Lakes coming under purview of chapter 90.58 RCW——Clallam county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R14W	20 A/B	Wentworth Lk.	53.8	R
(2) T30N-R8W	22-Q	Sutherland Lk.	360.8	R
(3) T30N-R12W	9-J/K	Beaver Lk.	36.3	R
(4) T30N-R13W	35-E	Pleasant Lk.	486.0	R
(5) T30N-R14W	16-L	Dickey Lk.	527.0	R
(6) T31N-R15W	12-W1/2	Elk Lk.	59.0	R
(7) T31N-R15W	18-E/M	Seafield Lk.	22.0	R

[Order DE 76-16, § 173-20-120, filed 5/3/76; Order DE 72-14, § 173-20-120, filed 6/30/72.]

WAC 173-20-130 Lakes coming under purview of chapter 90.58 RCW——Clallam county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T31N-R15W	31-A	Ozette Lk.	7787.0	R
(2) T30N-R7W	15-G	Aldwell Lk.	320.8	P,R

[Order DE 76-16, § 173-20-130, filed 5/3/76; Order DE 72-14, § 173-20-130, filed 6/30/72.]

WAC 173-20-140 Lakes coming under purview of chapter 90.58 RCW——Clark county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T1N-R3E	2-F/L	Lacamas Lk. (Res.)	315.0	PS,R
(2) T1N-R3E	2-F/L	Round Lk.	32.4	PS,R
(3) T2N-R1E	9-G/H	Unnamed	23.0	R
(4) T4N-R1E	6	Mud Lk.	92.0	R
(5) T4N-R3E	30-E	Battleground Lk.	28.0	R

[Order DE 76-16, § 173-20-140, filed 5/3/76; Order DE 73-13, § 173-20-140, filed 8/27/73; Order DE 72-14, § 173-20-140, filed 6/30/72.]

WAC 173-20-150 Lakes coming under purview of chapter 90.58 RCW——Clark county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	2400.3 Clark Co. 1689.3 Cowlitz Co. 4089.6 Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	2022.4 Clark Co. 1779.2 Cowlitz Co. 3801.6 Total	P,R

[Order DE 73-13, § 173-20-150, filed 8/27/73; Order DE 72-14, § 173-20-150, filed 6/30/72.]

WAC 173-20-160 Lakes coming under purview of chapter 90.58 RCW——Columbia county lakes. None [Order DE 72-14, § 173-20-160, filed 6/30/72.]

WAC 173-20-170 Lakes coming under purview of chapter 90.58 RCW——Columbia county lakes of state-wide significance. None [Order DE 72-14, § 173-20-170, filed 6/30/72.]

WAC 173-20-180 Lakes coming under purview of chapter 90.58 RCW——Cowlitz county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T5N-R1E	19-M	Horseshoe Lk.	78.9	R
(2) T7N-R4E	16	Merrill Lk.	344.0	R
(3) T8N-R2W	33-SW1/4	Sacajawea Lk.	47.7	R

Location	Section	Name	Area (Acres)	Use
(4) T10N-R4E	25-E/F	Fawn Lk.	23.6	R

[Order DE 72-14, § 173-20-180, filed 6/30/72.]

WAC 173-20-190 Lakes coming under purview of chapter 90.58 RCW——Cowlitz county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	1689.3 Cowlitz Co. 2400.3 Clark Co. 4089.6 Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	1779.2 Cowlitz Co. 2022.4 Clark Co. 3801.6 Total	P,R
(3) T10N-R1W	36-R	Silver Lk.	2996.0	R

[Order DE 72-14, § 173-20-190, filed 6/30/72.]

WAC 173-20-200 Lakes coming under purview of chapter 90.58 RCW——Douglas county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T25N-R25E	12-J/K	Jameson Lk.	331.7	R
(2) T25N-R25E	12-K/Q	Jameson Pothole	20.6	R
(3) T25N-R27E	31-N/N	Intermittent	22.8	R
(4) T26N-R26E	20	Grimes Lk.	124.0	R
(5) T26N-R27E	33-B/C	Haynes Lk.	50.4	R
(6) T26N-R27E	34-D	Stallard Lk.	64.0	R
(7) T28N-R24E	35-NE1/4	Cornell Lk.	37.2	R
(8) T29N-R27E	17-J/R	Unnamed Lk.	24.2	R
(9) T29N-R27E	20-A/B	Boot Lk.	36.6	R
(10) T29N-R28E	22-E/F	Elbow Lk.	25.4	R
(11) T29N-R29E	2-G/H	Unnamed Lk.	21.8	R
(12) T29N-R29E	22-H/J	Unnamed Lk.	42.2	R
(13) T29N-R29E	22-N	Wilson Lk.	34.5	R
(14) T29N-R30E	7-SW1/4	Smith Lk.	34.1	R
(15) T30N-R29E	36-A/B	Unnamed Lk.	24.0	R
(16) T30N-R30E	7-J/K	Black Lk.	36.2	R

[Order DE 77-17, § 173-20-200, filed 9/1/77; Order DE 76-16, § 173-20-200, filed 5/3/76; Order DE 72-14, § 173-20-200, filed 6/30/72.]

WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW——Douglas county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	1184.0 Douglas Co. 440.0 Chelan Co. 6748.0 Grant Co. 6308.0 Kittitas Co. 14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Douglas Co. 1735.0 Chelan Co. 3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Douglas Co. 4930.0 Chelan Co. 9860.0 Total	R,P
(4) T28N-R24E	6 & 7	Wells Reservoir	4850.0 Douglas Co. 4753.0 Okanogan Co. 97.0 Chelan Co. 9700.0 Total	P,R
(5) T29N-R25E	24-S1/2	Rufus Wood Lk.	3900.0 Douglas Co.	P,R
(6) T28N-R29E	22&29	Banks Lk.	24,600.0 Grant Co. 300.0 Douglas Co. 24,900.0 Total	

[Order DE 76-16, § 173-20-210, filed 5/3/76; Order DE 73-13, § 173-20-210, filed 8/27/73; Order DE 72-14, § 173-20-210, filed 6/30/72.]

WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW——Ferry county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2) T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,PS
(3) T38N-R33E	28-D	Curlew Lk.	869.6	R,I

[Order DE 72-14, § 173-20-220, filed 6/30/72.]

WAC 173-20-230 Lakes coming under purview of chapter 90.58 RCW——Ferry county lakes of state-wide significance. None [Order DE 72-14, § 173-20-230, filed 6/30/72.]

WAC 173-20-240 Lakes coming under purview of chapter 90.58 RCW——Franklin county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T12N-R30E	17-J/R	Clark Pond	49.3	R
(2) T12N-R30E	20-SE1/4	Unnamed Lk.	26.2	R
(3) T13N-R29E	5-W1/2	Unnamed Lk.	29.7	R
(4) T13N-R29E	15-N1/2	Unnamed Lks.	50.0	R
(5) T13N-R30E	24-L/M	Bailie Pond	22.7	R
(6) T13N-R30E	34	Mesa Lk.	50.0	R
(7) T13N-R30E	5-E1/2	Unnamed Lk.	63.0	R
(8) T13N-R33E	5-N	Sulphur Lk.	22.0	R
(9) T13N-R34E	4-SE1/4	Kahlotus Lk.	321.0	R
(10) T14N-R28E	24-NW1/4	Unnamed Lk.	20.0	R
(11) T14N-R28E	26-NW1/4	Unnamed Lk.	25.0	R
(12) T14N-R29E	11-N1/2	Unnamed Lk.	71.9	R
(13) T14N-R29E	11-Q/R	Unnamed Lk.	29.5	R
(14) T14N-R29E	12	Scootney Lk.	217.0	R
(15) T14N-R29E	14-E1/2	Unnamed Lk.	50.0	R
(16) T14N-R29E	23-B	Unnamed Lk.	24.0	R
(17) T14N-R29E	25-D	Unnamed Lk.	49.6	R
(18) T14N-R29E	26	Unnamed Lk.	130.0	R
(19) T14N-R29E	36-S1/2	Unnamed Lk.	20.0	R
(20) T14N-R30E	14-B	Unnamed Lk.	25.8	R
(21) T14N-R30E	27-J	Scootney Reservoir	685.0	R,I
(22) T14N-R30E	27-R	Unnamed Lk.	23.0	R
(23) T14N-R30E	33-SW1/4	Unnamed Lks.	30.0	R
(24) T14N-R34E	36-N	Washtucna Lk.	43.4	R

[Order DE 73-13, § 173-20-240, filed 8/27/73; Order DE 72-14, § 173-20-240, filed 6/30/72.]

WAC 173-20-250 Lakes coming under purview of chapter 90.58 RCW——Franklin county lakes of state-wide significance. None [Order DE 72-14, § 173-20-250, filed 6/30/72.]

WAC 173-20-260 Lakes coming under purview of chapter 90.58 RCW——Garfield county lakes. None [Order DE 73-13, § 173-20-260, filed 8/27/73; Order DE 72-14, § 173-20-260, filed 6/30/72.]

WAC 173-20-270 Lakes coming under purview of chapter 90.58 RCW——Garfield county lakes of state-wide significance. None [Order DE 72-14, § 173-20-270, filed 6/30/72.]

WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW——Grant county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T17N-R26E	8	Frenchman Hills Lk.	800.0	R
(2) T17N-R26E	5-SW1/4	Sand Lk.	28.4	R
(3) T18N-R26E	25	Winchester Wasteway Extension	400.0	R
(4) T17N-R28E	27-NE1/4	Goose Lk.	112.0	R
(5) T17N-R28E	34-J	Lower Goose Lk.	50.0	R
(6) T17N-R29E	10-B	Warden Lk.	186.0	R
(7) T17N-R29E	15-SW1/4	South Warden Lk.	24.0	R
(8) T17N-R29E	17-P/Q	Susan Lk.	20.0	R
(9) T17N-R29E	18-P	Soda Lk.	155.0	R,I
(10) T17N-R29E	22-SW1/4	Virgin Lk.	20.0	R
(11) T17N-R29E	27-D/E	North Windmill Lk.	22.3	R
(12) T17N-R29E	28-L/P	Heart Lk.	25.8	R
(13) T17N-R29E	28-Q	Windmill Lk.	33.8	R
(14) T17N-R29E	32-B	Long Lk.	74.8	R,I
(15) T17N-R29E	33-N1/2	Canal Lk.	76.1	R
(16) T18N-R26E	15-SE1/4	Beda Lk.	34.0	R
(17) T18N-R25E	30-E1/2	Unnamed Lk.	60.0	R
(18) T19N-R23E	9	Ancient Lk.	250.0	R
(19) T19N-R23E	10-R	Stan Coffin Lk.	40.9	R
(20) T19N-R23E	13	Flat Lk.	98.2	R
(21) T19N-R23E	15-NE1/4	Quincy Lk.	42.6	R
(22) T19N-R23E	15-L	Burke Lk.	73.3	R
(23) T19N-R23E	16	Dusty Lk.	30.0	R
(24) T19N-R23E	22-C	Evergreen Res.	235.0	R,I
(25) T19N-R25E T19N-R26E	25-SE1/4 30-SW1/4	Winchester Wasteway Reservoir	660.0	R,I
(26) T20N-R23E	9-A/H	Crater Lk.	25.0	R
(27) T20N-R23E	10-L	Babcock Ridge Lk.	20.0	R,I
(28) T20N-R28E	10-E	Unnamed Lk.	79.4	R
(29) T18N-R23E	21-NE1/4	Hilltop Lk.	30.8	R
(30) T21N-R27E	6	Ephrata Lk.	25.0	R
(31) T21N-R27E	12	South Willow Lk.	39.4	R
(32) T21N-R27E	12-N1/2	Willow Lk.	23.3	R
(33) T21N-R27E	16-W1/2	Unnamed Lk.	27.0	R
(34) T21N-R28E	32-SE1/4	Unnamed Lk.	80.9	R
(35) T21N-R29E	7-SE1/4	Broken Rock Lakes (1) Northernmost	20.0	R
		(2) Southernmost	40.0	R
(36) T21N-R30E	20-F	Black Rock Lk.	66.7	R
(37) T22N-R27E	19	Soap Lk.	840.0	R
(38) T22N-R28E	2-N	Brook Lk.	427.6	R
(39) T22N-R28E	8-J	Round Lk.	110.6	R
(40) T22N-R29E	23-Q/R	Unnamed Lk.	28.7	R
(41) T23N-R26E	1-NE1/4	Alkali Lk.(Part of Lenore)	308.1	R
(42) T23N-R26E	35	Little Soap Lk.	99.2	R
(43) T24N-R27E	15-SW1/4	Park Lk.	341.5	R
(44) T24N-R27E	29-N	Blue Lk.	536.1	R
(45) T24N-R28E	6	Dry Falls Lk.	98.9	R
(46) T24N-R28E	8-M	Deep Lk.	104.3	R
(47) T25N-R28E	35-E1/2	Table Lk.	20.0	R
(48) T25N-R28E	33-SW1/4	Lena Lk. (Coulee)	24.8	R
(49) T27N-R29E	26-SE1/4	Higginbotham Res.	62.0	R,D
(50) T28N-R30E	25-G/H	Long Lk.	24.8	R
(51) T16N-R24E	29-SE1/4	Lenice Lk.	80.9	R
(52) T16N-R24E	29-SW1/4	Merry Lk.	21.8	R
(53) T16N-R24E	30-S1/2	Nunnally Lk.	37.1	R
(54) T17N-R28E	16-E1/2	Corral Lk.	80.0	R

[Order DE 73-13, § 173-20-280, filed 8/27/73; Order DE 72-14, § 173-20-280, filed 6/30/72.]

WAC 173-20-290 Lakes coming under purview of chapter 90.58 RCW——Grant county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam Reservoir	4540.0 Grant Co. 2080.0 Kittitas Co. 1080.0 Yakima Co. 7700.0 Total	P,R
(2) T16N-R23E	16/17	Wanapum Dam Res.	6748.0 Grant Co. 6308.0 Kittitas Co. 1184.0 Douglas Co. 440.0 Chelan Co. 14680.0 Total	–
(3) T17N-R28E	11	Potholes Res.	28200.0	R,I
(4) T18N-R28E	5-F	Moses Lk.	6815.2	R,I
(5) T23N-R26E	35-B/G	Lenore Lk.	1670.0	R
(6) T23N-R28E	36-NW1/4	Long Lk. Res.	1010.0	R,I
(7) T25N-R28E	32/33	Banks Lk.	24600.0 300.0 Douglas Co. 24900.0 Total	R

[Order DE 73-13, § 173-20-290, filed 8/27/73; Order DE 72-14, § 173-20-290, filed 6/30/72.]

WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW——Grays Harbor county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T17N-R5W	17-S1/2	Unnamed	23.0	R
(2) T17N-R9W	1-SE1/4	Aberdeen Lk. (Res.)	64.0	PS,R
(3) T17N-R10W	13	Unnamed	76.0	PS
(4) T17N-R12W	14	Duck Lk.	197.0	R
(5) T18N-R7W	31-R	Sylvia Lk. (Res.)	31.0	R
(6) T19N-R10W	30-H	Failor Lk. (Res.)	60.0	R
(7) T21N-R10W	22-J/R	Unnamed	20.0	R

[Order DE 72-14, § 173-20-300, filed 6/30/72.]

WAC 173-20-310 Lakes coming under purview of chapter 90.58 RCW——Grays Harbor county lakes of state-wide significance. None [Order DE 72-14, § 173-20-310, filed 6/30/72.]

WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW——Island county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R2E	24-N1/2	Unnamed Lk.	26.8	R
(2) T29N-R3E	6-D	Goss Lk.	55.1	R
(3) T29N-R3E	7-A	Lone Lk.	92.1	R
(4) T29N-R3E	26	Deer Lk.	82.1	R
(5) T31N-R1E	6-S1/2	Unnamed Lk.	25.0	R
(6) T31N-R1E	22	Crockett Lake	500.0	R
(7) T32N-R3E	30-N	Kristoferson Lk.	25.0	D,R
(8) T33N-R2E	18-N1/2	Unnamed Lk.	50.0	R
(9) T34N-R1E	35-NW1/4	Cranberry Lk.	128.1	R

[Order DE 76-16, § 173-20-320, filed 5/3/76; Order 73-13, § 173-20-320, filed 9/12/73 and Order DE 73-13, filed 8/27/73; Order DE 72-14, § 173-20-320, filed 6/30/72.]

WAC 173-20-330 Lakes coming under purview of chapter 90.58 RCW——Island county lakes of state-wide significance. None [Order DE 72-14, § 173-20-330, filed 6/30/72.]

WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW——Jefferson county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R1W	1-A/H	Wahl Lk.	22.0	R
(2) T28N-R1W	6-K/L	Peterson Lk.	22.7	R
(3) T28N-R1W	18-N1/2	Tarboo Lk.	21.6	R
(4) T28N-R1W	26-K	Sandy Shore Lk.	36.2	R
(5) T28N-R2W	12-NW1/4	Crocker Lk.	65.3	R
(6) T28N-R2W	26-J	Leland Lk.	99.3	R
(7) T28N-R2W	33-A/B	Lords Lk. (Res.)	56.0	PS,R
(8) T29N-R1W	9-E1/2	Anderson Lk.	58.7	R

Location	Section	Name	Area (Acres)	Use
(9) T29N-R1W	28-L/P	Gibbs Lk.	36.8	R
(10) T30N-R1W	11-D/E	Kah Tai Lagoon	62.0	R
(11) T30N-R1W	16-H/J	Unnamed Lk.	21.6	R

[Order DE 72-14, § 173-20-340, filed 6/30/72.]

WAC 173-20-350 Lakes coming under purview of chapter 90.58 RCW——Jefferson county lakes of state-wide significance. None [Order DE 72-14, § 173-20-350, filed 6/30/72.]

WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW——King county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R6E	2-A	Bass Lk.	24.0	R
(2) T20N-R7E	28-N/P	White River Mill Pond	23.0	PS
(3) T21N-R4E	9-N1/2	Steel Lk.	46.4	R
(4) T21N-R4E	10-NW1/4	Dolloff Lk.	21.1	R
(5) T21N-R4E	15-SW1/4	North Lk.	55.2	R
(6) T21N-R4E	22-K/L	Geneva Lk.	28.8	R
(7) T21N-R4E	27-A	Killarney Lk.	31.3	R
(8) T21N-R4E	27-N/P	Fivemile Lk.	38.4	R
(9) T21N-R5E	23-E1/2	Moneysmith Lk.	22.4	R
(10) T21N-R6E	4-J	Sawyer Lk.	279.0	R
(11) T21N-R6E	7-E1/4	Morton Lk.	66.4	R
(12) T21N-R6E	12-A/H	Twelve Lk.	43.2	R
(13) T21N-R6E	14-Q	Jones Lk.	22.5	R
(14) T21N-R7E	29-K/Q	Deep Lk.	39.0	R
(15) T21N-R8E	13-P/Q	Eagle Lk.	53.2	R
(16) T21N-R8E	27	Howard Hanson Res.	—	PS,R
(17) T21N-R10E	7-W1/2	Findley Lks. (1)	22.3	R
(18) T22N-R4E	3-NW1/4	Angle Lk.	102.3	R
(19) T22N-R4E	34-NW1/4	Star Lk.	34.4	R
(20) T22N-R5E	1-A/B	Shady Lk.	21.1	R
(21) T22N-R5E	5-H/J	Panther Lk.	33.0	R
(22) T22N-R5E	11-R	Youngs Lk. (Res.)	700.0	PS
(23) T22N-R5E	27	Meridian Lk.	149.6	R
(24) T22N-R6E	7-SE1/4	Shadow Lk.	49.6	R
(25) T22N-R6E	22-M/N	Wilderness Lk.	66.6	R
(26) T22N-R6E	28-E	Pipe Lk.	52.1	R
(27) T22N-R6E	29	Lucerne Lk.		R
(28) T22N-R7E	9-W1/2	Walsh Lk.	105.0	PS
(29) T22N-R7E	32	Retreat Lk.	52.7	R
(30) T22N-R8E	11-C	Masonry Pool (Res.)	280.0	PS,P
(31) T22N-R10E	5-A/B	Mason Lk.	32.6	R
(32) T23N-R4E	19-M	Burien Lk.	43.7	R
(33) T23N-R5E	36-NE1/4	Desire Lk.	71.6	R
(34) T23N-R6E	18-K/Q	Kathleen Lk.	38.5	R
(35) T23N-R6E	31-E1/2	Spring Lk.	67.9	R
(36) T23N-R8E	34-SW1/4	Rattlesnake Lk.	112.0	R
(37) T23N-R10E	2-P/Q	Derrick Lk.	36.9	R
(38) T23N-R10E	10-SE1/4	Caroline Lk.	59.6	R
(39) T23N-R10E	11-S1/2	Wildcat Lk.-Upper	53.7	R
(40) T23N-R10E	19-P	Thompson Lk.	42.7	R
(41) T23N-R10E	23-N1/2	Kaleetan Lk.	42.8	R
(42) T23N-R10E	32-H/J	Kulla Kulla Lk.	60.1	R
(43) T23N-R10E	35-C/D	Tusohatchie Lk. Lower	31.8	R
(44) T23N-R11E	19	Snow Lk.	159.5	R
(45) T23N-R12E	11-N1/2	Iceberg Lk.	21.1	R
(46) T24N-R5E	2-SE1/4	Phantom Lk.	63.2	R
(47) T24N-R6E	9-N1/2	Pine Lk.	88.3	R
(48) T24N-R6E	11-B	Beaver Lk. No. 2	61.9	R
(49) T24N-R7E	10-E1/2	Intermittent Lk.	49.0	R
(50) T24N-R7E	27-J/R	Alice Lk.	32.6	R
(51) T24N-R8E	2-D/E	Boyle Lk.	24.0	R
(52) T24N-R8E	11-M	Klaus Lk.	62.0	R
(53) T24N-R8E	29-SW1/4	Snoqualmie Mill Pond	66.0	PS,R
(54) T24N-R9E	8-R	Hancock Lk.	236.2	R
(55) T24N-R9E	22-SW1/4	S.M.C. Lk.	40.7	R
(56) T24N-R9E	22-B/G	Moolock Lk.	45.4	R
(57) T24N-R10E	2-E	Marten Lk.	40.4	R
(58) T25N-R4E	5-M/N	Green Lk.	255.3	R
(59) T25N-R4E	17-K	Portage Bay	148.0	R
(60) T25N-R4E	19-C	Union Lk.	598.0	R
(61) T25N-R7E	13-B/G	Loop Lk.	35.7	R
(62) T25N-R7E	19-N1/2	Ames Lk.	79.9	R
(63) T25N-R7E	22-E1/2	Langlois Lk.	40.0	R
(64) T25N-R8E	13-P	Black Lk.	25.7	R
(65) T25N-R8E	35-M	Bridges Lk.	34.0	R
(66) T25N-R9E	24-E/M	Lock Katrine (Lk.)	51.2	R
(67) T25N-R9E	25-L/M	Lock Katrine (Lk.) Upper	24.4	R
(68) T25N-R9E	32-Q	Calligan Lk.	361.0	R
(69) T25N-R9E	35-N1/2	Phillippa Lk.	121.4	R
(70) T26N-R6E	7-P	Cottage Lk.	63.1	R
(71) T26N-R7E	3-M	Margaret Lk.(Res.)	43.8	R
(72) T26N-R7E	35-NE1/4	Joy Lk.	105.1	R
(73) T26N-R8E	25-F/G	Lynch Lk.	22.9	R
(74) T26N-R9E	32-E/M	Tolt Res.	850.0	PS

[Order DE 76-16, § 173-20-360, filed 5/3/76; Order DE 73-13, § 173-20-360, filed 8/27/73; Order DE 72-14, § 173-20-360, filed 6/30/72.]

WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW——King county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co. 600.0 Pierce Co. 1200.0 Total	PS,R
(2) T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3) T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4) T25N-R5E	13-K	Sammamish Lk.	4897.3	R

[Order DE 72-14, § 173-20-370, filed 6/30/72.]

WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW——Kitsap county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co. 39.2 Total	R
(3) T24N-R1E	8-N	Kitsap Lk.	238.4	R
(4) T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5) T24N-R1W	26-M	Union River Res.	93.0	PS
(6) T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co. 30.0 Mason Co. 104.1 Total	R
(7) T24N-R1W	32-C	Mission Lk.	87.7	R
(8) T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9) T24N-R1W	35-Q/R	Tiger Lk.		
(10) T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11) T23N-R2E	8-E	Long Lk.	314.0	R
(12) T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13) T27N-R2E	21-M	Miller Lk.	25.7	R
(14) T24N-R1W	5	William Symington		
(15) T24N-R1W	17	Tahuya Lk.		R
(16) T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17) T28N-R2E	21	Buck Lk.	22.0	R

[Order DE 76-16, § 173-20-380, filed 5/3/76; Order DE 73-13, § 173-20-380, filed 8/27/73; Order DE 72-14, § 173-20-380, filed 6/30/72.]

WAC 173-20-390 Lakes coming under purview of chapter 90.58 RCW——Kitsap county lakes of state-wide significance. None [Order DE 72-14, § 173-20-390, filed 6/30/72.]

WAC 173-20-400 Lakes coming under purview of chapter 90.58 RCW——Kittitas county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T17N-R15E	3-A	Manastash Lk.	23.5	R
(2) T20N-R13E	11-F	Easton Lk.	237.6	R,I
(3) T21N-R11E	3-L	Lost Lk.	144.8	R
(4) T21N-R12E	15-NW1/4	Unnamed Lks.	60.0	R

Location	Section	Name	Area (Acres)	Use
(5) T22N–R13E	2	Cooper Lk.	119.7	R
(6) T23N–R14E	3–NE1/4	Tucquala Lk.	63.0	R

[Order DE 72–14, § 173–20–400, filed 6/30/72.]

WAC 173–20–410 Lakes coming under purview of chapter 90.58 RCW——Kittitas county lakes of state–wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T15N–R23E	32	Priest Rapids Dam Res.	2080.0 Kittitas Co. 4540.0 Grant Co. 1080.0 Yakima Co.	
			7700.0 Total	P,R
(2) T16N–R23E	17	Wanapum Dam Res.	6308.0 Kittitas Co. 6748.0 Grant Co. 1184.0 Douglas Co. 440.0 Chelan Co.	
			14680.0 Total	–
(3) T20N–R14E	10–A	Cle Elum Lk. (Res.)	4810.0	R,I
(4) T21N–R11E	12–H	Keechelus Lk.	2560.0	R,I
(5) T21N–R13E	34–N/P	Kachess Lk.	4540.0	R,I

[Order DE 72–14, § 173–20–410, filed 6/30/72.]

WAC 173–20–420 Lakes coming under purview of chapter 90.58 RCW——Klickitat county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T2N–R13E	25–E/M	Spearfish Lk.	21.8	R
(2) T5N–R15E	13–E/M	Carp Lk.	21.6	R
(3) T6N–R10E	15–E	Trout Lake	110.0	R

[Order DE 73–13, § 173–20–420, filed 8/27/73; Order DE 72–14, § 173–20–420, filed 6/30/72.]

WAC 173–20–430 Lakes coming under purview of chapter 90.58 RCW——Klickitat county lakes of state–wide significance. None [Order DE 72–14, § 173–20–430, filed 6/30/72.]

WAC 173–20–440 Lakes coming under purview of chapter 90.58 RCW——Lewis county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T13N–R1E	30–K/Q	Carlisle Lk.	20.3	R
(2) T14N–R5E	9–B	Mineral Lk.	277.3	R

[Order DE 72–14, § 173–20–440, filed 6/30/72.]

WAC 173–20–450 Lakes coming under purview of chapter 90.58 RCW——Lewis county lakes of state–wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T12N–R2E	29–C	Mayfield Res.	2200.0	P,R
(2) T12N–R3E	10–N	Mossyrock Res.	10200.0	P,R
(3) T15N–R4E	9–F	Alder Res.	124.0 Lewis Co. 1689.6 Pierce Co. 1117.6 Thurston Co.	
			2931.2 Total	P,R

[Order DE 76–16, § 173–20–450, filed 5/3/76; Order DE 72–14, § 173–20–450, filed 6/30/72.]

WAC 173–20–460 Lakes coming under purview of chapter 90.58 RCW——Lincoln county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N–R33E	3–Q/R	Reisenauer Res.	22.0	R,I,PS
(2) T21N–R33E	12–SE1/4	Sylvan Lk.	550.0	R
(3) T21N–R38E	36–F	Fourth of July Lk.	35.9 Lincoln Co. 74.9 Adams Co.	
			110.3 Total	R
(4) T21N–R39E	10–H/J	Unnamed Lk.	28.9	R
(5) T21N–R39E	12–N	Fishtrap Lk. (Res.)	172.8 Lincoln Co. 22.8 Spokane Co.	
			195.6 Total	R
(6) T21N–R39E	22–L	Intermittent Lk.	93.0	R
(7) T21N–R39E	25–Q	Downs Lk.	28.8 Lincoln Co. 394.6 Spokane Co.	
			423.4 Total	R
(8) T21N–R39E	26–P	Unnamed Lk.	99.0	R
(9) T21N–R39E	34–N1/2	Intermittent Lk.	60.0	R
(10) T22N–R31E	28–B	Peterson Lk.	20.5	R
(11) T22N–R32E	6–NE1/4	Sullivan Lk.	72.4	R
(12) T22N–R32E	6–SW1/4	Wooley Lk.	23.7	R
(13) T22N–R32E	12–SW1/4	Pacific Lk.	129.7	R
(14) T22N–R32E	26–SW1/4	Tule Lk. (Bobs)	126.7	R
(15) T22N–R33E	4–N1/2	Neves Lk.	25.1	R
(16) T22N–R39E	22–SE1/4	Ames Lk.	29.1	R
(17) T22N–R39E	32–N/P	Unnamed Lk.	24.8	R
(18) T23N–R32E	7–W1/2	Unnamed Lk.	42.2	R
(19) T23N–R32E	27–SW1/4	Goetz Lk.	36.2	R
(20) T23N–R33E	13–SE1/4	Coffee Pot Lk.	316.8	R
(21) T23N–R33E	23–E1/2	Deer Springs Lk.	60.3	R
(22) T23N–R33E	34–S1/2	Browns Lk.	42.2	R
(23) T23N–R33E	34–S1/2	Tavares Lk.		
(24) T23N–R34E	3–D	Twin Lks. – Lower	44.9	R
(25) T23N–R34E	25–NE1/4	Unnamed Lk.	25.3	R
(26) T23N–R35E	19–Na	Cormana Lk.	48.3	R
(27) T24N–R32E	12–NW1/4	Drapers Lk.	34.2	R
(28) T24N–R33E	31–N1/2	Unnamed Lk.	48.3	R
(29) T24N–R34E	1–SW1/4	Florence Lk.	33.8	R
(30) T24N–R34E	15–W1/2	Wills Lk.	22.0	R,D
(31) T24N–R34E	16–NW1/4	Phillips Lk.	31.2	R
(32) T24N–R34E	16–S1/2	Unnamed Lk.	40.8	R
(33) T24N–R34E	22–NW1/4	Meadow Lk.	44.4	R,D
(34) T24N–R34E	35–NW1/4	Twin Lks. – Upper	39.2	R
(35) T24N–R35E	3–A/B	Whittaker Lk.	26.1	R
(36) T24N–R35E	4–SW1/4	Unnamed Lk.	20.0	R
(37) T24N–R35E	19	Wall Lk.	32.2	R
(38) T25N–R33E	8–L/M	"H" Lake	26.0	R
(39) T25N–R33E	17–SW1/4	Wagner Lk.	92.7	R
(40) T25N–R33E	34–L	Bergeau Lk.	31.0	R
(41) T25N–R34E	27–SW1/4	Unnamed Lk.	54.3	R
(42) T25N–R34E	32	Swanson Lk.	63.3	R
(43) T25N–R34E	33–NW1/4	Swanson Lk.	38.6	R
(44) T25N–R35E	10–S1/2	Unnamed Lk.	28.8	R
(45) T25N–R39E	9–SE1/4	Unnamed Lk.	42.2	
(46) T25N–R39E	10–S1/2	Unnamed Lk.	67.0	R
(47) T26N–R34E	27–SE1/4	Greenwood Lk.	20.0	D,R
(48) T26N–R38E	33–SE1/4	Unnamed Lk.	24.0	R
(49) T27N–R39E	20–B	Little Falls Res.	125.0 Lincoln Co. 125.0 Stevens Co.	
			250.0 Total	P,R

[Order DE 72–14, § 173–20–460, filed 6/30/72.]

WAC 173–20–470 Lakes coming under purview of chapter 90.58 RCW——Lincoln county lakes of state–wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T20N–R37E	12	Sprague Lk.	637.7 Lincoln Co. 1202.9 Adams Co.	
			1840.6 Total	
(2) T27N–R39E	13–M	Long Lk. (Res.)	100.0 Lincoln Co. 2510.0 Spokane Co. 2410.0 Stevens Co.	
			5020.0 Total	P,R

[Order DE 72–14, § 173–20–470, filed 6/30/72.]

WAC 173-20-480 Lakes coming under purview of chapter 90.58 RCW——Mason county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T19-3W	4	Fawn Lk.		
(2) T19-R5W	1-E1/2	Lost Lk.	121.6	R
(3) T19-R5W	8-A/B	Lystair Lk.	30.4	R
(4) T19-R5W	17	Simpson Lk.	29.4	R
(5) T19-R5W	28-W1/2	Stump Lk.	23.2	R
(6) T20N-R2W	5	Phillips Lk.	111.4	R
(7) T20N-R2W	18	Timber Lk.		
(8) T20N-R2W	30-H/J	Forbes Lk.	38.4	R
(9) T20N-R3W	6-SW1/4	Island Lk.	109.0	R
(10) T20N-R3W	31-K	Isabella Lk.	208.0	R
(11) T20N-R4W	12-E1/2	Intermittent Lks.	75.0	R
(12) T20N-R5W	1-E	Hanks Lake	27.0	R
(13) T20N-R5W	8-N1/2	Nahwatzel Lk.	268.8	R
(14) T21N-R2W	3-P	Benson Lk.	81.8	R
(15) T21N-R2W	32-N	Spencer Lk.	220.4	R
(16) T21N-R3W	28-B	Cranberry Lk.	170.6	R
(17) T21N-R3W	27	Lk. Limerick		
(18) T21N-R3W	31-D/E	Intermittent Lk.	20.0	R
(19) T21N-R5W	21-W1/2	Bingham Lk.	24.0	R
(20) T22N-R1W	7-H	Devereaux Lk.	100.4	R
(21) T22N-R1W	19	Unnamed Lk.		
(22) T22N-R2W	23-R	Prickett Lk.	68.1	R
(23) T22N-R2W	34-F	Mason Lk.	996.0	R
(24) T22N-R3W	14-C/D	Maggie Lk.	22.3	R
(25) T22N-R4W	16-F	Cushman Res. No. 2	70.4	P,R
(26) T23N-R1W	5	Tiger Lk.	109.1	R
(27) T23N-R2W	19-S1/2	Wooten Lk.	69.8	R
(29) T23N-R2W	20-NE1/4	Bennettson Lk.	25.4	R
(30) T23N-R2W	30-H	Haven Lk.	70.5	R
(31) T23N-R3W	35-K/Q	Tee Lk.	38.4	R
(32) T23N-R4W	11-P	Lilliwaup Swamp	225.0	R
(33) T23N-R4W	12-G/H	Melbourne Lk.	34.1	R
(34) T23N-R4W	22-NE1/4	Price Lk.	61.8	R
(35) T24N-R1W	31	Panther Lk.	30.0 Mason Co. 74.1 Kitsap Co.	
			104.1 Total	R

[Order DE 72-14, § 173-20-480, filed 6/30/72.]

WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW——Mason county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R4W	5-L	Cushman Lk. (Res.)	4003.0	P,R

[Order DE 72-14, § 173-20-490, filed 6/30/72.]

WAC 173-20-500 Lakes coming under purview of chapter 90.58 RCW——Okanogan county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R23E	10/15	Alta Lk.	187.4	R
(2) T31N-R24E	22-B	Rat Lk.	62.7	R,PS
(3) T33N-R25E	16-G	Leader Lk. (Res.)	159.0	R
(4) T34N-R21E	8-E	Patterson Lk. (Res.)	142.9	R,I
(5) T34N-R21E	15-A/H	Twin Lks. (Little)	23.8	R
(6) T34N-R21E	15-G/K	Twin Lks. (Big)	77.4	R
(7) T34N-R21E	27-NW1/4	Moccasin Lk.	33.1	R
(8) T34N-R22E	20-D/E	Davis Lk.	39.3	R
(9) T34N-R25E	13-E1/2	Green Lk.	44.8	R
(10) T34N-R26E	7-C	Brown Lk.	61.4	R
(11) T34N-R26E	10-R	Duck Lk.	29.1	R,I
(12) T34N-R29E	5-D	Crawfish Lk.	80.4	R
(13) T35N-R21E	36	Pearrygin Lk. (Res.)	192.0	R,I
(14) T35N-R25E	4-K/Q	Roberts Lk.	29.8	R
(15) T35N-R25E	6-K	Salmon Lk.	313.0	R,I
(16) T35N-R25E	18-NW1/4	Conconully Res.	450.0	R,I
(17) T35N-R26E	3-P/Q	Booher Lk.	24.8	R
(18) T35N-R26E	5-S1/2	Medicine Lk.	37.9	R
(19) T35N-R26E	7-Q/R	Peninsula Lk.	23.4	R
(20) T35N-R26E	8-N	Horseshoe Lk.	28.7	R
(21) T35N-R26E	22-NE1/4	Alkali Lk.	46.1	R
(22) T35N-R26E	28-B	Evans Lk.	26.9	R
(23) T36N-R25E	22-D	Fish Lk.	102.3	R
(24) T36N-R27E	30-NW1/4	Unnamed Lk.	22.7	R
(25) T36N-R28E	21-A/B	Talkire Lk.	26.9	R
(26) T36N-R30E	19-E/F	Round Lk.	20.3	R
(27) T36N-R30E	19-G/K	"L" Lk.	21.4	R
(28) T37N-R25E	2-E	Forde Lk.	23.9	R
(29) T37N-R25E	13-H/J	Lemanasky Lk.	20.1	R
(30) T37N-R25E	21-H	Blue Lake (Res.)	186.0	R
(31) T37N-R26E	25-NW1/4	Aeneas Lk.	60.7	R
(32) T38N-R25E	35-E/F	Lower Sinlahekin Impoundment	57.7	R
(33) T38N-R26E	2-Q	Spectacle Lk.	314.8	R,I
(34) T38N-R27E	17-P	Whitestone Lk. (Res.)	169.6	R,I
(35) T38N-R28E	2-A/B	Fanchers Dam Res.	20.0	R,D
(36) T38N-R30E	17-NE1/4	Bonapart Lk.	158.7	R
(37) T38N-R30E	27-F/L	Walker Lk.	43.5	R
(38) T38N-R30E	29-C/F	Meadow Lk.	23.7	R
(39) T39N-R25E	4-R	Chopaka Lk.	148.8	R
(40) T39N-R26E	24-E	Wannacut Lk.	411.6	R
(41) T39N-R27E	6-W1/2	Blue Lk.	110.6	R
(42) T39N-R27E	22-SW1/4	Horseshoe Lk.	59.9	R
(43) T39N-R27E	27-G/K	Unnamed Lk.	26.1	R
(44) T39N-R29E	15-NW1/4	Muskrat Lk.	89.6	R
(45) T40N-R25E	17-J/R	Unnamed Lk.	23.4	R
(46) T40N-R27E	27-P	Zosels Mill Pond	100.0	R
(47) T40N-R29E	6-S1/2	Sidley Lk.	108.8	R
(48) T40N-R29E	8-D	Molson Lk.	20.3	R
(49) T40N-R29E	26-B/G	Fields Lk.	21.7	R
(50) T39N-R30E	28-E/M	Lost Lk.	46.8	R

[Order DE 76-16, § 173-20-500, filed 5/3/76; Order 72-14, § 173-20-500, filed 6/30/72.]

WAC 173-20-510 Lakes coming under purview of chapter 90.58 RCW——Okanogan county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T28N-R24E	6/7	Wells Dam Res.	4753.0 Okanogan Co. 4850.0 Douglas Co. 97.0 Chelan Co.	
			9700.0 Total	P,R
(3) T39N-R25E	13-H	Palmer Lk.	2063.0	R,I
(4) T40N-R27E	22-M	Osoyoos Lk.	2036.0 Okanogan Co. 3693.9 British Col.	
			5729.0 Total	R

[Order DE 76-16, § 173-20-510, filed 5/3/76; Order DE 72-14, § 173-20-510, filed 6/30/72.]

WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW——Pacific county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
(5) T12N-R11W	9-K/Q	Skating Lk.	66.0	R
(6) T12N-R11W	16-J/R	Espy Lk.	20.0	R

[Order DE 72-14, § 173-20-520, filed 6/30/72.]

WAC 173-20-530 Lakes coming under purview of chapter 90.58 RCW——Pacific county lakes of state-wide significance. None [Order DE 72-14, § 173-20-530, filed 6/30/72.]

WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW——Pend Oreille county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T30N-R43E	5-K/L	Lost Lk.	22.1	R
(2) T30N-R43E	8-N	Horseshoe Lk.	128.0	R
(3) T30N-R43E	9-A	Trout Lk.	94.8	R

Location	Section	Name	Area (Acres)	Use
(4) T30N-R43E	32-L	Fan Lk.	72.9	R
(5) T30N-R44E	3-SE1/4	Diamond Lk.	754.5	R
(6) T30N-R44E	35-N1/2	Chain Lk.	77.6	R
(7) T30N-R46E	30-M/N	Trask Pond	50.3	R
(8) T31N-R43E	35-B	Sacheen Lk.	282.2	R
(9) T31N-R44E	10-SE1/4	Kent Meadows Lk.	134.3	R
(10) T31N-R45E	23-S1/2	Unnamed Lk.	37.9	R
(11) T32N-R43E	27-P	Power Lk.	54.8	R,P
(12) T32N-R44E	31-G	Davis Lk.	145.9	R
(13) T32N-R45E	23-Q	Marshall Lk.	188.7	R,D
(14) T32N-R46E	31	Shearer Lk.	48.7	R
(15) T33N-R43E	12-13/14	Unnamed Slough	64.8	R
(16) T34N-R44E	36-NE1/4	North Skookum Lk.	38.5	R
(17) T33N-R44E	2-A	Kings Lk.	53.2	R
(18) T34N-R43E	3-C/F	Parker Lk.	22.1	R
(19) T36N-R42E	3-L/M	Leo Lk.	39.3	R
(20) T36N-R43E	12-NW1/4	Scotchman Lk.	34.1	R
(21) T36N-R43E	23-NE1/4	Yocum Lk.	41.7	R
(22) T37N-R42E	35-N	Nile Lk.	22.8	R
(23) T37N-R42E	36-K/Q	Browns Lk.	20.2	R
(24) T37N-R43E	6-E1/2	Ione Mill Pond	37.2	R,PS
(25) T39N-R43E	25-A	Sullivan Res.	62.8	R,PS
(26) T40N-R43E	34-Q	Ledbetter Lk.	22.7	R
(27) T32N-R45E	4	Bead Lk.	719.8	R

[Order DE 76-16, § 173-20-540, filed 5/3/76; Order DE 72-14, § 173-20-540, filed 6/30/72.]

WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW——Pend Oreille county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2) T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P

[Order DE 76-16, § 173-20-550, filed 5/3/76; Order DE 72-14, § 173-20-550, filed 6/30/72.]

WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW——Pierce county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R1W	1-M	Bay Lk.	129.6	R
(2) T22N-R1W	14-A	Carney Lk.	20.5 Pierce Co. 18.7 Kitsap Co.	
			39.2 Total	R
(3) T16N-R3E	1-J/K	Cranberry Lk.	25.6	R
(4) T16N-R3E	7-A/B	Harts Lk.	108.8	R
(5) T16N-R3E	9-P/Q	Tule Lk.	30.8	R
(6) T16N-R3E	12-E1/2	Silver Lk.	138.0	R
(7) T16N-R3E	14-SW1/4	Kreger Lk.	42.4	R
(8) T16N-R4E	6-A	Rapjohn Lk.	55.8	R
(9) T16N-R4E	10-J	Ohop Lk.	235.6	R
(10) T16N-R4E	33-Q	La Grande Res.	55.0	P
(11) T17N-R4E	14-A/H	Whitman Lk.	29.6	R
(12) T17N-R4E	23-E	Tanwax Lk.	172.8	R
(13) T17N-R4E	26-W1/2	Clear Lk.	155.1	R
(14) T17N-R4E	27-K/L	Twenty Seven Lk.	21.0	R
(15) T17N-R4E	33-C	Mud Lk.	20.6	R
(16) T17N-R5E	5-SW1/4	Kapowsin Lk.	512.0	R
(17) T18N-R2E	34-B/C	Muck Lk.	25.7	R
(18) T18N-R5E	30-M/N	Morgan Lk.	23.0	R
(19) T19N-R1E	4-N1/2	Florence Lk.	66.5	R
(20) T19N-R1E	9-NE1/4	Josephine Lk.	72.5	R
(21) T19N-R2E	4-E/M	Louise Lk.	39.1	R
(22) T19N-R2E	10-E1/2	Gravelly Lk.	147.8	R
(23) T19N-R3E	20-SE1/4	Spanaway Lk.	262.4	R
(24) T19N-R6E	4-E1/2	Wickersham Basin	60.0	P,R
(25) T20N-R2E	24-B/G	Unnamed Lk.	29.0	R
(26) T20N-R2E	33	Waughop Lk.		
(27) T20N-R2E	33-P/Q	Mud Lake	21.7	R
(28) T20N-R2E	34-G	Steilacoom Lk.	313.2	R
(29) T20N-R3E	29-C/F	Wapato Lk.	28.2	R
(30) T20N-R4E	4-K/Q	Surprise Lk.	29.9	R
(31) T20N-R5E	26-N1/2	Printz Basin	30.0	P,R
(32) T22N-R2E	20-A	Crescent Lk.	46.8	R
(33) T22N-R1E	19	Stansberry Lk.		
(34) T22N-R1E	30-31	Manmade Lk.		
(35) T19N-R7E	17-NE1/4	Mud Mt. Res.	600.0	PS,R

[Order DE 72-14, § 173-20-560, filed 6/30/72.]

WAC 173-20-570 Lakes coming under purview of chapter 90.58 RCW——Pierce county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	9-F	Alder Lk. (Res.)	1689.6 Pierce Co. 1117.6 Thurston Co. 124.0 Lewis Co.	
			2931.2 Total	P,R
(2) T19N-R2E	20	American Lk.	1125.1	R
(3) T20N-R5E	8-E	Tapps Lk. (Res.)	2296.0	P,R

[Order DE 72-14, § 173-20-570, filed 6/30/72.]

WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW——San Juan county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T35N-R1W	4-G	Spencer Lk.	64.0	R
(2) T35N-R2W	23-A	Hummel Lk.	36.1	R
(3) T35N-R3W	8	Zylstra Lk.		
(4) T35N-R3W	18-M	Trout Lk. (Res.)	54.0	PS
(5) T35N-R3W	19-G	Woods Res. (Proposed)	29.0	D,R
(6) T36N-R1W	33-N1/2	Horseshoe Lk.	84.0	R
(7) T36N-R2W	12-L	Martins Lk.	21.5	R
(8) T36N-R3W	30-E/M	Briggs Pond	29.1	PS
(9) T36N-R3W	33-Q	Sportsmans Lk.	66.0	R,D
(10) T37N-R1W	32-P	Cascade Lk.	171.6	R,P
(11) T37N-R1W	34-M	Mountain Lk.	198.0	PS,R

[Order DE 72-14, § 173-20-580, filed 6/30/72.]

WAC 173-20-590 Lakes coming under purview of chapter 90.58 RCW——San Juan county lakes of state-wide significance. None [Order DE 72-14, § 173-20-590, filed 6/30/72.]

WAC 173-20-600 Lakes coming under purview of chapter 90.58 RCW——Skagit county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T33N-R4E	13-M/N	Devils Lk.	30.9	R
(2) T33N-R4E	15-M/N	Sixteen Lk.	41.6	R
(3) T33N-R5E	30-D	McMurray Lk.	160.6	R
(4) T33N-R6E	22-Q	Cavanaugh Lk.	844.0	R
(5) T34N-R1E	11-NE1/4	Erie Lk.	111.0	R
(6) T34N-R1E	13-H	Campbell Lk.	410.3	R
(7) T34N-R1E	23-K	Pass Lk.	98.6	R
(8) T34N-R2E	6-SW1/4	Whistle Lk.	29.7	PS
(9) T34N-R3E	36-J	Britt Slough	21.0	R
(10) T34N-R4E	1-E1/2	Clear Lk.	222.9	R
(11) T34N-R4E	2-N1/2	Unnamed Lk.	74.0	R
(12) T34N-R4E	10-SW1/4	Barney Lk.	152.0	R
(13) T34N-R4E	15-E1/2	Unnamed Lk.	28.0	R
(14) T34N-R4E	36-C	Big Lk.	545.2	R
(15) T34N-R5E	7-W1/2	Beaver Lk.	73.4	R
(16) T34N-R6E	25-F	Day Lk.	136.5	R
(17) T35N-R1E	23-K/Q	Cranberry Lk.	26.8	R
(18) T35N-R1E	36-SW1/4	Heart Lk.	60.8	R
(19) T35N-R5E	13-N1/2	Minkler Lk.	36.7	R
(20) T35N-R5E	32-E1/2	Judy Res.	108.0	PS
(21) T35N-R10E	31-A	Barnaby Slough	20.0	R
(22) T35N-R10E	32-L/M	Mill Slough	20.0	R
(23) T35N-R11E	36-SE1/4	Granite Lk. No. 3	38.4	R
(24) T36N-R8E	32	Grandy Lk.	56.0	R

[Order DE 72-14, § 173-20-600, filed 6/30/72.]

WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW——Skagit county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R

[Order DE 72-14, § 173-20-610, filed 6/30/72.]

WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW——Skamania county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2) T2N-R6E	34-H/J	Unnamed Lk.	20.0	R
(3) T2N-R7E	1-NW1/4	Stevenson Lk.	84.0	PS,R
(4) T2N-R7E	11-E/F	Ashes Lk.	51.2	PS,R
(5) T2N-R7E	14-D/E	Wauna Lk.	55.2	R
(6) T2N-R7E	20-M	Greenleaf Slough (Lk)	47.8	R
(7) T2N-R7E	30-NW1/4	Unnamed Lk.	20.0	R
(8) T3N-R9E	26-S1/2	Drano Lk.	220.0	R
(9) T3N-R10E	10-B/C	Northwestern Lk.	97.0	R,P
(10) T10N-R5E	14-N	Venus Lk.	21.0	R
(11) T10N-R5E	19-E/F	Elk Lk.	30.5	R
(12) T10N-R5E	19-M/P	Hanaford Lk.	23.6	R

[Order DE 73-13, § 173-20-620, filed 8/27/73; Order DE 72-14, § 173-20-620, filed 6/30/72.]

WAC 173-20-630 Lakes coming under purview of chapter 90.58 RCW——Skamania county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T2N-R7E	21-E1/2	Bonneville Pool	10100.0 Skamania Co.	
		(Res.)	10100.0 Oregon	
			20200.0 Total	P,R
(2) T7N-R5E	28-F/L	Swift Res.	4588.8	P,R
(3) T9N-R5E	15-A	Spirit Lk.	1262.0	R

[Order DE 73-13, § 173-20-630, filed 8/27/73; Order DE 72-14, § 173-20-630, filed 6/30/72.]

WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW——Snohomish county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R4E	1-SW1/4	Martha Lk.	59.3	R
(2) T27N-R4E	32-SW1/4	Ballinger Lk.	103.2	R
(3) T27N-R5E	36-SE1/4	Crystal Lk. (Res.)	39.1	R
(4) T27N-R7E	22-A/B	Fontal Lk.	37.2	R
(5) T27N-R7E	23-SW1/4	Hannan Lk.	48.4	R
(6) T27N-R8E	21-B/C	Tomtit Lk.	27.9	R
(7) T27N-R8E	21-E/M	Dagger Lk.	27.7	R
(8) T27N-R11E	21-NE1/4	Sunset Lk.	38.4	R
(9) T28N-R4E	34-S1/2	Serene Lk.	42.3	R
(10) T28N-R4E	35-A/B	Stickney Lk.	25.7	R
(11) T28N-R5E	24-E1/4	Hanson Slough	35.0	R
(12) T28N-R5E	30-H	Silver Lk.	102.3	R
(13) T28N-R6E	1-SE1/4	Storm Lk.	78.1	R
(14) T28N-R6E	2-A	Flowing Lk.	134.8	R
(15) T28N-R6E	2-C/D	Panther Lk.	46.7	R
(16) T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(17) T28N-R6E	24-A	Chain Lk.	22.8	R
(18) T28N-R7E	12-J	Woods Lk.	20.5	R
(19) T28N-R7E	16-A	Cochran Lk.	33.6	R
(20) T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(21) T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(22) T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R
(23) T28N-R10E	5-G/H	Boulder Lk.	21.7	R
(24) T28N-R11E	1-W1/2	Blanca Lk.	179.0	R
(25) T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R
(26) T29N-R7E	27-N/P	Hughes Lk.	20.2	R
(27) T29N-R7E	28-E	Roesiger Lk.	352.2	R
(28) T29N-R8E	21-D	Echo Lk.	24.6	R
(29) T29N-R9E	9-M/N	East Boardman Lk.	24.7	R
(30) T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R
(31) T29N-R10E	4	Copper Lk.	60.8	R
(32) T30N-R6E	31-C/D	Cassidy Lk.	124.6	R
(33) T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R
(34) T31N-R4E	18-SE1/4	Martha Lk.	58.4	R
(35) T31N-R4E	20-L/P	Howard Lk.	27.1	R
(36) T31N-R4E	23-L	Ki Lk.	97.4	R
(37) T31N-R4E	33-G	Goodwin Lk.	546.8	R
(38) T31N-R4E	33-P	Shoecraft Lk.	136.8	R
(39) T31N-R4E	34-H	Crabapple Lk.	36.3	R
(40) T31N-R4E	35-A/H	Loma Lk.	21.1	R
(41) T32N-R4E	26-K/L	Sunday Lk.	38.7	R
(42) T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R
(43) T32N-R5E	27-F/G	Bryant Lk.	20.2	R
(44) T32N-R6E	26-C	Little Lk.	23.4	R
(45) T32N-R7E	19-H/J	Riley Lk.	30.0	R
(46) T32N-R10E	28	Evangeline Lk.	25.0	

[Order DE 76-16, § 173-20-640, filed 5/3/76; Order DE 72-14, § 173-20-640, filed 6/30/72.]

WAC 173-20-650 Lakes coming under purview of chapter 90.58 RCW——Snohomish county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R6E	8-L	Stevens Lk.	1021.1	R

[Order DE 72-14, § 173-20-650, filed 6/30/72.]

WAC 173-20-660 Lakes coming under purview of chapter 90.58 RCW——Spokane county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R39E	12-N	Fishtrap Lk. (Res.)	22.8 Spokane 172.8 Lincoln	
			195.6 Total	R
(2) T21N-R39E	25-Q	Downs Lk.	394.6 Spokane Co. 28.8 Lincoln Co.	
			423.4 Total	R
(3) T21N-R40E	7-B/C	Unnamed Lk.	21.0	R
(4) T21N-R40E	13-C	Williams Lk.	318.6	R
(5) T21N-R40E	32-NE1/4	Feustal Lk.	36.6	R
(6) T21N-R41E	4-M	Badger Lk.	243.8	R
(7) T21N-R42E	20F	Bonnie Lk.	284.3 Spokane Co. 81.8 Whitman Co.	
			366.1 Total	R
(8) T22N-R40E	25-N1/2	Alkali Lk.	96.0	R
(9) T22N-R40E	30-B	Hog Lk.	53.0	R
(10) T22N-R40E	33-S1/2	Mason Lk.	52.1	R
(11) T22N-R40E	36-J	Amber Lk.	116.8	R
(12) T22N-R41E	27-J	Unnamed Lk.	26.0	R
(13) T22N-R41E	36-H	Chapman Lk.	145.6	R
(14) T22N-R42E	11-K	Phillco Lk.	70.8	R
(15) T23N-R42E	5-A/H	Fish Lk.	47.1	R
(16) T23N-R42E	14-NW1/4	Unnamed Lk.	20.0	R
(17) T24N-R40E	13-W1/4	West Medical Lk.	234.8	R
(18) T24N-R40E	21-J/R	Unnamed Lk.	38.0	R
(19) T24N-R40E	27-NW1/4	Lonelyville Lk.	22.8	R
(20) T24N-R41E	17-G/H	Silver Lk.	559.1	R
(21) T24N-R41E	18-W1/2	Medical Lk.	148.9	R
(22) T24N-R41E	19-K/Q	Otter Lk.	26.1	R
(23) T24N-R41E	19-H	Ring Lake	22.9	R
(24) T24N-R41E	22-N/P	Granite Lk.	105.8	R
(25) T24N-R41E	22-P	Willow Lk.	79.7	R
(26) T24N-R41E	26-B	Meadow Lk.	31.9	R
(27) T24N-R41E	30-SW1/4	Clear Lk.	374.8	R,I
(28) T24N-R42E	28-B	Queen Lucas Lk.	36.8	R
(29) T25N-R43E	18-J	Upper Falls Res.	146.0	P,R
(30) T25N-R44E	24-F/G	Shelley Lk.	35.6	R
(31) T25N-R45E	22-H	Liberty Lk.	711.4	R
(32) T26N-R40E	10-SW1/4	Horseshoe Lk.	67.9	R
(33) T26N-R40E	10-G/K	Woods Lk.	32.0	R
(34) T26N-R42E	6-R	Nine Mile Res.	440.0	P,R
(35) T27N-R41E	7-K/L	Knight Lk.	34.0	R
(36) T28N-R43E	15-G/K	Bear Lk.	33.8	R
(37) T29N-R42E	34-K/Q	Dragoon Lk.	22.4	R,I
(38) T29N-R43E	15-L	Eloika Lk.	659.2	R
(39) T29N-R44E	19-J	Reflection Lk.	51.8	R

[Order DE 76-16, § 173-20-660, filed 5/3/76; Order DE 72-14, § 173-20-660, filed 6/30/72.]

WAC 173-20-670 Lakes coming under purview of chapter 90.58 RCW——Spokane county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T26N-R45E	11-G	Newman Lk.	1190.2	R
(2) T27N-R39E	13-M	Long Lk. (Res.)	2510.0 Spokane Co. 100.0 Lincoln Co. 2410.0 Stevens Co.	
			5020.0 Total	P,R

[Order DE 72-14, § 173-20-670, filed 6/30/72.]

WAC 173-20-680 Lakes coming under purview of chapter 90.58 RCW——Stevens county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	20-B	Little Falls Res.	125.0	P,R
(2) T30N-R37E	4-Q/R	Hunter Res.	20.0	D,I,R
(3) T30N-R37E	32-F/L	Newbill Lk.	21.7	R,D
(4) T31N-R40E	17-R	Waitts Lk.(Res.)	455.4	R,P,I
(5) T31N-R40E	36-R	Jumpoff Lk.	105.1	R
(6) T31N-R41E	21-R	Beitey Res.	24.2	D,R
(7) T31N-R41E	24-A/H	Nelson Lk.	20.4	R
(8) T32N-R37E	34-P/Q	Clark Lk.	23.8	R
(9) T32N-R39E	36-NW1/4	Rainbow Lk. (Fourmile Lk.)	27.8	R
(10) T32N-R41E	15-L	Horseshoe Lk.	23.5	R
(11) T32N-R41E	29	Bailey Lk.		
(12) T34N-R41E	20-K/Q	Pond No. 1	24.0	R
(13) T35N-R40E	19-F/L	White Mud Lk.	59.4	R
(14) T35N-R40E	30-SE1/4	Hatch Lk.	34.3	R
(15) T35N-R40E	36-K	Starvation Lk.	28.4	R
(16) T35N-R41E	3-W1/2	Black Lk.	69.6	R
(17) T35N-R41E	4-B	Spruce Lk. (Twin Lks.)	26.8	R
(18) T36N-R38E	15-D/E	Mission Lk.	21.9	R
(19) T36N-R42E	8-Q	Heritage Lk.	71.1	R
(20) T36N-R42E	17-W1/2	Thomas Lk.	162.6	R
(21) T36N-R42E	19-A	Gillette Lk.	48.0	R
(22) T36N-R42E	19-H/J	Sherry Lk.	26.1	R
(23) T37N-R39E	16-F	Peterson Swamp	37.8	R
(24) T38N-R37E	13-J/K	Dilly Lk.	35.4	R
(25) T38N-R37E	13-L/M	Perkins Lk.	25.6	R
(26) T38N-R37E	24-D	Ryan Lk.	25.4	R
(27) T38N-R38E	36-C/F	Williams Lk.	37.7	R
(28) T39N-R37E	8-G	Pierre Lk.	105.6	R
(29) T39N-R41E	34-C	Deep Lk.	198.1	R
(30) T40N-R41E	26-L	Cedar Lk.	51.2	R

[Order DE 77-17, § 173-20-680, filed 9/1/77; Order DE 72-14, § 173-20-680, filed 6/30/72.]

WAC 173-20-690 Lakes coming under purview of chapter 90.58 RCW——Stevens county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	13-M	Long Lk. (Res.)	2410.0 Stevens Co. 2510.0 Spokane Co. 100.0 Lincoln Co.	
			5020.0 Total	P,R
(2) T30N-R41E	NE1/4	Deer Lk.	1162.8	R
(3) T30N-R41E	33-L	Loon Lk.	1118.5	R,I

[Order DE 72-14, § 173-20-690, filed 6/30/72.]

WAC 173-20-700 Lakes coming under purview of chapter 90.58 RCW——Thurston county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R1W	13-E	McIntosh Lk.	115.8	R
(2) T16N-R2W	3-NE1/4	Deep Lk.	66.1	R
(3) T17N-R1W	28-K	Bushman Lk. (Tempo)	40.0	R
(4) T17N-R1W	33-E	Offutt Lk.	192.0	R
(5) T17N-R2W	1-L/P	Munn Lk.	29.8	R
(6) T17N-R2W	33-A/H	Scott Lake	66.8	R
(7) T17N-R2W	35-H/J	Pitman Lk.	27.0	R
(8) T18N-R1W	22-H	Long Lk.	311.0	R
(9) T18N-R1W	27-L	Hicks Lk.	171.3	R
(10) T18N-R1W	29-B/G	Chambers Lk. (Little Chambers Lk.)	49.1	R
(11) T18N-R1W	29-C	Chambers Lk. (Russel Lk.)	72.5	R
(12) T18N-R1W	33-H/J	Southwick Lk.	37.1	R
(13) T18N-R1W	35-P	Patterson Lk.	257.0	R
(14) T18N-R2W	15-J	Capitol Lk.	306.0	R
(15) T18N-R2W	34-G/K	Barnes Lake		R
(16) T18N-R2W	16-W1/2	Grass Lk.	120.0	R
(17) T18N-R2W	20-H/J	Ken Lk.	24.6	R
(18) T18N-R2W	22-G	Percival Lk.	22.4	R
(19) T18N-R2W	32-C	Black Lk.	576.1	R
(20) T18N-R2W	36-B/C	Ward Lake	66.8	R
(21) T18N-R2W	36-J	Hewitt Lk.	26.6	R
(22) T18N-R4W	13-A	Summit Lk.	522.6	R
(23) T16N-R2E	29-B	Lawrence Lk.	339.2	R
(24) T16N-R3E	31-S1/2	Clear Lk.	172.8	R
(25) T16N-R3E	32-B/C	Elbow Lk.	36.0	R
(26) T16N-R3E	32-R	Bald Hill Lk.	44.8	R
(27) T18N-R1E	31-32	St. Clair Lk.	244.7	R
(28) T17N-R1W	11	Sunwood Lk.	23.0	D
(29) T15N-R1E	17	Skookumchuck Res.	550.0	D

[Order DE 73-13, § 173-20-700, filed 8/27/73; Order DE 72-14, § 173-20-700, filed 6/30/72.]

WAC 173-20-710 Lakes coming under purview of chapter 90.58 RCW——Thurston county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	24	Alder Lk. (Res.)	1117.6	P,R

[Order DE 72-14, § 173-20-710, filed 6/30/72.]

WAC 173-20-720 Lakes coming under purview of chapter 90.58 RCW——Wahkiakum county lakes. None [Order DE 72-14, § 173-20-720, filed 6/30/72.]

WAC 173-20-730 Lakes coming under purview of chapter 90.58 RCW——Wahkiakum county lakes of state-wide significance. None [Order DE 72-14, § 173-20-730, filed 6/30/72.]

WAC 173-20-740 Lakes coming under purview of chapter 90.58 RCW——Walla Walla county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T7N-R32E	30-SW1/4	Johnson Pond	24.0	R
(2) T7N-R36E	23-SE1/4 24-W1/2 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4) T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5) T8N-R31E	29-H/J	Curlew Pond	35.0	R

[Order DE 72-14, § 173-20-740, filed 6/30/72.]

WAC 173-20-750 Lakes coming under purview of chapter 90.58 RCW——Walla Walla county lakes of state-wide significance. None [Order DE 72-14, § 173-20-750, filed 6/30/72.]

WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW——Whatcom county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2) T37N-R3E	36-R	Samish Lk.	814.0	R
(3) T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4) T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5) T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6) T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7) T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8) T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9) T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10) T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R
(11) T39N-R3E	13-L/P	Fazon Lk.	32.0	R
(12) T39N-R6E	30-R	Canyon Lk.	45.0	R
(13) T40N-R6E	7-R	Silver Lk.	172.8	R
(14) T41N-R4E	31-W1/2	Judson Lk.	112.0	R
(15) T41N-R1E	34-N1/2	Beaver Lk.	21.0	R

[Order DE 76-16, § 173-20-760, filed 5/3/76; Order DE 72-14, § 173-20-760, filed 6/30/72.]

WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW——Whatcom county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T38N-R3E	28-A	Whatcom Lk. (Res.)	5003.0	PS,R
(2) T37N-R9E	31	Baker Lk. (Res.)	3616.0	PS,R

[Order DE 76-16, § 173-20-770, filed 5/3/76; Order DE 72-14, § 173-20-770, filed 6/30/72.]

WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW——Whitman county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T18N-R39E	26-A/B	Texas Lk.	23.8	R
(2) T18N-R40E	17-A/B	Intermittant Lk.	24.8	R
(3) T19N-R40E	1-SE1/4	Miller Lk. (Alkali)	25.2	R
(4) T19N-R40E	13-SE1/4	Lavista Lk.	20.7	R
(5) T19N-R40E	23-NW1/4	Unnamed Lk.	32.4	R
(6) T19N-R40E	34-H/J	Stevens Lk.	27.0	R
(7) T20N-R39E	6-E1/2	Snyder Slough	42.0	R
(8) T20N-R39E	8-SE1/4	Sheep Lk.	56.7	R
(9) T20N-R39E	15-S1/2	Folsom Lk.	85.5	R
(10) T20N-R39E	16-NE1/4	Crooked Knee Lk.	83.8	R
(11) T20N-R39E	16-F/L	Unnamed Lk.	20.7	R
(12) T20N-R40E	36-SE1/4	Tule Lk.	21.6	R
(13) T20N-R41E	12-NE1/4	Bonnie Lk.	81.8 Whitman Co. 284.3 Spokane Co. 366.1 Total	R
(14) T18N-R40E	3-B/C	Duck Lk.	23.4	R

[Order DE 76-16, § 173-20-780, filed 5/3/76; Order DE 72-14, § 173-20-780, filed 6/30/72.]

WAC 173-20-790 Lakes coming under purview of chapter 90.58 RCW——Whitman county lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T19N-R40E	13-N	Rock Lk.	2147.1	R

[Order DE 72-14, § 173-20-790, filed 6/30/72.]

WAC 173-20-800 Lakes coming under purview of chapter 90.58 RCW——Yakima county lakes.

Location	Section	Name	Area (Acres)	Use
(1) T8N-R23E	12-E	Byron Ponds (Res.)	50.0	R
(2) T9N-R22E	22-M	Horseshoe Pond	59.0	R
(3) T9N-R22E	25-F	Morgan Pond	24.6	R
(4) T9N-R22E	26-B	Giffin Lk.	104.8	R
(5) T9N-R23E	7-S1/2	Oleys Lk.	35.4	R
(6) T13N-R19E	7-M	Freeway Lk.	23.2	R
(7) T14N-R19E	31-L/P	Unnamed Lk.	22.3	R
(8) T15N-R17E	2-N	Wenas Lk. (Res.)	61.4	R,I
(9) T13N-R18E	11-S1/2, S1/2	Unnamed Lake	21.4	R
(10) T13N-R18E	11 S1/2 SE1/4	Unnamed Lake	21.3	R

[Order DE 76-16, § 173-20-800, filed 5/3/76; Order DE 72-14, § 173-20-800, filed 6/30/72.]

WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW——Yakima county lakes of state-wide significance.

Location	Section	Name	Area (Areas)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam (Res.)	1080.0 Yakima Co. 4540.0 Grant Co. 2080.0 Kittitas Co. 7700.0 Total	P,R

[Order DE 72-14, § 173-20-810, filed 6/30/72.]

WAC 173-20-820 Private lands within the confines of federal lands. In addition to the delimitations contained herein, lakes or portions thereof which are located on nonfederal lands within the exterior boundaries of federal lands, which lakes fall within the definitions of lakes and lakes of state-wide significance, as stated in WAC 173-20-030, shall be likewise subject to the jurisdiction of chapter 90.58 RCW. [Order DE 72-14, § 173-20-820, filed 6/30/72.]

Chapter 173-22 WAC
ADOPTION OF DESIGNATIONS OF WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC

173-22-010 Purpose.
173-22-015 Relationship to national coastal zone management act of 1972.
173-22-020 Applicability.
173-22-030 Definitions.
173-22-040 Designation criteria.
173-22-050 Review of designations.
173-22-055 Conflicts between designations and criteria.
173-22-060 Designation maps.
173-22-070 Lands within federal boundaries.

Reviser's note: Order 73-24, filed 8/28/73 amends maps of wetlands associated with shorelines of the state of Washington and are to be used in conjunction with Administrative Order 73-11, filed 7/20/73. Sections within this chapter filed will show this date where applicable. The maps are listed by county and entitled "Shoreline Management Act of 1971, chapter 90.58 RCW amendment to the wetland designations of the state of Washington——chapter 173-22 WAC——Department of ecology——September 1973".

Order DE 77-18, filed 9/20/77 amends chapter 173-22 WAC, regarding designations of associated wetlands which constitute shorelines of the state and are subject to the shoreline management act of 1971 as defined by RCW 90.58.030 (c), (d), (e), (f) and (g).

The maps are available to the public for inspection in the code reviser's office, Legislative Building, Olympia, Washington, and can be purchased by writing the department of ecology, Olympia, Washington 98504.

WAC 173-22-010 Purpose. Pursuant to RCW 90.58.030(2)(f), the department of ecology herein designates the wetland areas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW. [Order DE 72-15, § 173-22-010, filed 6/30/72.]

WAC 173-22-015 Relationship to national coastal zone management act of 1972. Insofar as state law allows, the following designations are in conformance with the national coastal zone management act of 1972. [Order DE 73-11, § 173-22-015, filed 7/20/73.]

WAC 173-22-020 Applicability. The provisions of this chapter shall apply state-wide. [Order DE 72-15, § 173-22-020, filed 6/30/72.]

WAC 173-22-030 Definitions. As used herein, the following words have the following meanings:

(1) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW.

(2) "Associated wetlands" means those wetlands which are strongly influenced by and in close proximity to any stream, river, lake, or tidal water, or combination thereof, subject to chapter 90.58 RCW.

The definitions set forth in chapter 90.58 RCW shall also apply as used herein. [Order DE 73-11, § 173-22-030, filed 7/20/73; Order DE 72-15, § 173-22-030, filed 6/30/72.]

WAC 173-22-040 Designation criteria. (1) Salt-water areas and lakes. The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, wherever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher high tide on salt water, and the mean high water on fresh water.

(2) Riverine flood plains.

(a) The wetland area within the flood plains shall be not less than those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodway pursuant to subsection (b) below, whichever is greater. The wetland area shall not be greater than the 100-year flood plain boundary as established by acceptable methods.

(b) Wetland boundaries within the flood plain shall remain as defined by chapter 173-22 WAC unless local government chooses to change the wetland boundaries. If the boundaries are changed, those changes shall be according to one of the following methods:

(1) Appropriate surface soil type boundaries.

(2) Changes in type, quantity or quality of vegetative ground cover.

(3) Readily identifiable natural barriers or permanent flood control devices such as levees, dikes or revetments.

(4) Any reasonable method which meets the objectives of the shoreline management act.

(c) The proposed revision of wetland boundaries by any of the above methods must be submitted to the department of ecology for review. Prior to submittal to the department of ecology, a decision as to the relative environmental significance of the revision shall be made pursuant to chapter 197-10 WAC, the SEPA guidelines. If the department of ecology is satisfied that the proposal conforms to the criteria contained herein, the local shoreline master program shall be revised to reflect the boundary changes. The department of ecology shall amend chapter 173-19 WAC (State Master Program) at a reasonable interval following amendment of the local shoreline master program.

(3) Marshes, bogs and swamps. If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet beyond the ordinary high-water mark of the body of water with which they are associated, their perimeters shall be the outer limit of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions contained in **Peat Resources of Washington**, Bulletin No. 44, department of conservation, (1958):

(a) Marsh – A low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck, and no peat is present.

(b) Bog – A depression or other undrained or poorly drained area containing, or covered with, peat (usually more that one layer) on which characteristic kinds of sedges, reeds, rushes, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation is brush. In mature stages trees are usually the dominant vegetation, and the peat, at least near the surface, may be comparatively dry.

(c) Swamp – A swamp is similar to a marsh except that reeds and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into bogs. [Order DE 76-30, § 173-22-040, filed 7/27/76; Order DE 73-11, § 173-22-040, filed 7/20/73; Order DE 72-15, § 173-22-040, filed 6/30/72.]

WAC 173-22-050 Review of designations. Five years from the effective date of chapter 90.58 RCW and as frequently before then as is deemed advisable by the department, the department shall review all the designations made herein and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form proscribed for adopting and amending rules and regulations in chapter 34.04 RCW (the administrative procedure act). Review of these designations shall be conducted thereafter at least once in every five-year period following the effective date of chapter 90.58 RCW. [Order DE 73-11, § 173-22-050, filed 7/20/73; Order DE 72-15, § 173-22-050, filed 6/30/72.]

WAC 173-22-055 Conflicts between designations and criteria. In the event that any of the designations shown on the maps conflict with the criteria set forth in

WAC 173-22-040 the criteria shall control. The boundary of the designated area shall be governed by the criteria. [Order DE 73-11, § 173-22-055, filed 7/20/73.]

WAC 173-22-060 Designation maps. Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. [Order DE 72-15, § 173-22-060, filed 6/30/72.]

***Reviser's note:** Volumes I, II, III entitled "Shorelines under the Shorelines Management Act of 1971" [chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.] were adopted by reference on June 30, 1972, Order DE 72-15, § 173-22-060 and filed July 27, 1972 in the code revisers office. The volumes of maps are available to the public for inspection in the code revisers office, Legislative Bldg., Olympia, Wa., and can be purchased by writing the department of ecology, Olympia, Wa. 98504.

WAC 173-22-070 Lands within federal boundaries. In addition to those designations contained in the appendix, those nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which lands fall within the definition of wetlands contained herein, shall also be subject to the jurisdiction of chapter 90.58 RCW. [Order DE 73-11, § 173-22-070, filed 7/20/73; Order DE 72-15, § 173-22-070, filed 6/30/72.]

Chapter 173-24 WAC
REGULATION RELATING TO TAX EXEMPTIONS AND CREDITS FOR POLLUTION CONTROL FACILITIES

WAC

173-24-010 Introduction and purpose.
173-24-020 Authority.
173-24-030 Definitions.
173-24-040 Applications submitted to the department of revenue.
173-24-050 Applications reviewed by the department.
173-24-060 Action by the department within thirty days——Request for further information.
173-24-070 Identification of component parts.
173-24-080 Approval of a facility.
173-24-090 Installation for the purpose of pollution control.
173-24-100 Operation for the purpose of pollution control.
173-24-110 Meeting the intent and purposes of chapters 70.94 and 90.48 RCW.
173-24-120 Treatment prior to connection to utilities.
173-24-130 Administrative appeal of department decision.
173-24-140 Delegation.
173-24-150 Delegation of state responsibilities under federal program.

WAC 173-24-010 Introduction and purpose. Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purpose of this regulation is to establish a procedure for reviewing applications for tax benefits received from the Department of Revenue for review by the Department of Ecology, including the establishment of criteria for granting or denying the approval by the Department of Ecology of such an application for a tax credit or exemption. [Order DE 70-7, § 173-24-010, filed 8/4/71.]

WAC 173-24-020 Authority. This regulation is adopted pursuant to the authority granted the director of the Department of Ecology by RCW 43.21A.080 and 43.21A.090. [Order DE 70-7, § 173-24-020, filed 8/4/71.]

WAC 173-24-030 Definitions. Unless a different meaning is plainly required by the context, the following words as hereinafter used in this chapter shall have the following meanings:

(1) "Commercial or industrial operation" shall mean the industrial, manufacturing, waste disposal, utility or other commercial establishment operated by an applicant for a certificate under chapter 82.34 RCW.

(2) "Department" shall mean the Washington State Department of Ecology.

(3) "Facility" shall mean any treatment works, control devices, disposal systems, machinery, equipment, structures or property or any physically or conceptually identifiable part or accessories thereof for which a certificate is applied for under chapter 82.34 RCW.

(4) "Necessary to the manufacture of products" shall mean that without which manufacture of products at the present or proposed level could not be undertaken.

If the manufacture of products could be undertaken at present levels without a facility, even though such manufacture would be uneconomical or impractical, such facility is not necessary to the manufacture of products. However, if a commercial or industrial operation is recovering or producing chemicals or heat for use in the manufacturing process at the time it submits an application, then any facilities necessary for such production or for recovery of chemicals at present percentage rates will be considered necessary to the manufacture of products.

(5) "Pollution" shall mean "air contaminant" and "air pollution" as defined in RCW 70.94.030, and "pollution" as defined in RCW 90.48.020.

(6) "Pollution control element" shall mean any part of a facility conceptually identifiable as necessary for pollution control pursuant to WAC 173-24-070.

(7) "Products" as used in the phrase, "manufacture of products," shall include the item or items which an industrial operation is designed primarily to manufacture or produce.

(8) "Regional or local air pollution control authority" shall mean any local or regional entity or control program considered as an "authority" for the purpose of chapter 70.94 RCW. [Order DE 70-7, § 173-24-030, filed 8/4/71.]

WAC 173-24-040 Applications submitted to the department of revenue. Applications filed pursuant to RCW 82.34.020 shall be submitted to the Department

of Revenue pursuant to that department's requirements. The Department of Revenue will supply an identifying application number and forward the application to the department or regional or local air pollution control authority, as appropriate, for review pursuant to RCW 82-.34.030. [Order DE 70-7, § 173-24-040, filed 8/4/71.]

WAC 173-24-050 Applications reviewed by the department. The department will review applications for approval of facilities which may be designated "water pollution control facilities" as defined in RCW 82.34.010(1)(b). The department will also review any application relating to a facility which is not within the jurisdiction of an activated regional or local air pollution control authority, or which is within any area over which the department has assumed jurisdiction pursuant to RCW 70.94.390. The department will also review any application for approval of a facility relating to any air contaminant source subject to rules and regulations adopted by the department or its predecessor agencies pursuant to RCW 70.94.395.

The department will, when necessary, advise the Department of Revenue of the proper agency or agencies to which an application is to be submitted for review. [Order DE 70-7, § 173-24-050, filed 8/4/71.]

WAC 173-24-060 Action by the department within thirty days——Request for further information. The department shall within thirty days of receipt of an application either approve, disapprove, or request further information on the same. Any facility for which adequate information is available for approval shall be approved within thirty days of the receipt of the application, even though further information regarding other facilities is requested. In any case in which the applicant desires approval for all or part of any facility necessary for the manufacture of products, the applicant shall supply sufficient information to the department to establish the basis for identification of a pollution control element in such facility. A copy of any request from the department to the applicant for further information shall be transmitted to the Department of Revenue. The failure of the applicant to supply any additional information requested by the department, without reasonable grounds for such failure, may result in disapproval of all or part of the application.

The department shall notify the Department of Revenue in writing of the approval or disapproval of any application submitted to it, and a copy of such notification shall be sent to the applicant by certified mail. [Order DE 70-7, § 173-24-060, filed 8/4/71.]

WAC 173-24-070 Identification of component parts. The department will review each application to determine whether the facility is a single, integrated facility, or can be separated, either physically or conceptually, into identifiable component parts. A portion of a facility may be identified conceptually as a pollution control element, even though physically part of a larger whole, if such identification can be reasonably made in view of chapter 82.34 RCW and the pollution control element so identified meets the requirements for approval set forth is WAC 173-24-080 through 173-24-110. Each component part or pollution control element shall be considered as a separate facility for the purpose of the department's review of the application. [Order DE 70-7, § 173-24-070, filed 8/4/71.]

WAC 173-24-080 Approval of a facility. The department shall approve any facility when:

(1) It was installed or intended to be installed for the primary purpose of pollution control, and;

(2) When it is operated or intended to be operated primarily for the purpose of pollution control, and;

(3) When it is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 or 90.48 RCW. [Order DE 70-7, § 173-24-080, filed 8/4/71.]

WAC 173-24-090 Installation for the purpose of pollution control. A facility will be considered to be installed or intended to be installed for the primary purpose of pollution control when:

(1) It was installed or intended to be installed in response to a requirement of the department or a regional or local air pollution control authority contained in a permit, order or regulation which applies to the particular industry or commercial establishment in question, and such facility meets the requirements of such permit, order, or regulation, or,

(2) It was installed or intended to be installed to meet the requirements of generally applicable air or water pollution control standards or regulations promulgated by federal, state, or regional agencies, and does in fact meet or exceed all such applicable standards, or,

(3) It was installed or intended to be installed to achieve the best known, available, and reasonable means of preventing and controlling air and water pollution and meets or exceeds all federal, state, and regional requirements applicable to the facility in question. [Order DE 70-7, § 173-24-090, filed 8/4/71.]

WAC 173-24-100 Operation for the purpose of pollution control. A facility is operated or intended to be operated primarily for the purpose of pollution control when:

(1) The emissions or effluents from the commercial or industrial operation do or will contain measurably less pollution with the facility installed than they would without the facility installed, and;

(2) The facility is not necessary to the manufacture of products: *Provided* That, a pollution control element of equipment necessary for the manufacture of products may be approved if such element meets the requirement of subsection (1) of this section and the manufacture of products could be undertaken at the present or proposed level with revised equipment without the presence of the pollution control element or its equivalent. [Order DE 70-7, § 173-24-100, filed 8/4/71.]

WAC 173-24-110 Meeting the intent and purposes of chapters 70.94 and 90.48 RCW. A facility is suitable, reasonably adequate, and meets the intent and purposes of chapters 70.94 and 90.48 RCW when:

(1) Normal operation of the particular commercial or industrial operation with the facility installed will not be in violation of any provision of chapter 70.94 or 90.48 RCW and;

(2) Such operation will meet the requirements of any applicable permits, orders, regulations or standards of the department or a regional or local air pollution control authority, and, in the absence of any order, permit, or regulation directed specifically to such operation, the facility will constitute the best known, available, and reasonable means of preventing and controlling water pollution. [Order DE 70-7, § 173-24-110, filed 8/4/71.]

WAC 173-24-120 Treatment prior to connection to utilities. Any facility designed for the primary purpose of reducing, controlling, disposing of, or treating industrial or commercial wastes prior to the ultimate conveyance thereof to the waste collecting facilities of public or privately owned utilities shall be approved if it satisfies the requirements set forth in this chapter; however, any facility installed or constructed for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities shall not be eligible for approval. [Order DE 70-7, § 173-24-120, filed 8/4/71.]

WAC 173-24-130 Administrative appeal of department decision. The approval or disapproval by the department pursuant to RCW 82.34.030 of any application, or any revision of prior findings by the department pursuant to RCW 82.34.100 shall constitute a decision of the department subject to review by the Pollution Control Hearings Board pursuant to chapter 43-.21B RCW. Any aggrieved party may appeal any such decision pursuant to the rules and regulations of the Pollution Control Hearings Board no later than thirty days after receipt of written notice thereof. [Order DE 70-7, § 173-24-130, filed 8/4/71.]

WAC 173-24-140 Delegation. The powers, duties and functions vested in the department by chapter 82.34 RCW will be performed by the public services branch of the department, acting through the executive assistant director of said branch. [Order DE 70-7, § 173-24-140, filed 8/4/71.]

WAC 173-24-150 Delegation of state responsibilities under federal program. The functions of the "state certifying authority" for the federal tax credit program for pollution control facilities shall be performed by the public services branch of the department, acting through the executive assistant director of said branch. [Order DE 70-7, § 173-24-150, filed 8/4/71.]

Chapter 173-28 WAC
ESTABLISHING LAKE WASHINGTON AS A REGION PURSUANT TO SHORELINES MANAGEMENT ACT OF 1971

WAC

173-28-010 Authority.
173-28-020 Findings.
173-28-030 Conclusion.
173-28-040 Composition of Lake Washington region.
173-28-050 Geographical extent of region.
173-28-060 Duties of the local governmental units comprising the region.
173-28-070 Review of master programs by the department of ecology.
173-28-080 Fund availability.

WAC 173-28-010 Authority. This permanent regulation is adopted pursuant to chapter 34.04 RCW and sections 11(1) and 20 of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1) and 90.58.200. [Order 73-8, § 173-28-010, filed 6/19/73.]

WAC 173-28-020 Findings. In accord with section 11(1) of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1), the director of the department of ecology finds the following:

(a) that the shorelines and wetlands of Lake Washington constitute some of the most valuable natural resources of the state;

(b) that said shorelines and wetlands constitute shorelines of state-wide significance;

(c) that due to its proximity to the population center of the state, Lake Washington is subject to considerable pressures from both the public and private sectors for further development; and

(d) that eleven local governmental entities share local jurisdiction over the shorelines and wetlands of Lake Washington. [Order 73-8, § 173-28-020, filed 6/19/73.]

WAC 173-28-030 Conclusion. Having made the findings contained in WAC 173-28-020 of this regulation, the director, for the purpose of this permanent regulation, hereby designates Lake Washington as a region to assure a uniformity of policy in the preparation of master programs for Lake Washington. [Order 73-8, § 173-28-030, filed 6/19/73.]

WAC 173-28-040 Composition of Lake Washington region. The Lake Washington region shall be composed of each of the following local governments having jurisdiction over the shorelines and wetlands of Lake Washington:

(a) Beaux Arts Village
(b) Bellevue
(c) Hunts Point
(d) King County
(e) Kirkland
(f) Lake Forest Park
(g) Medina
(h) Mercer Island
(i) Renton
(j) Seattle
(k) Yarrow Point

[Order 73-8, § 173-28-040, filed 6/19/73.]

WAC 173-28-050 Geographical extent of region. The Lake Washington region shall be comprised of all shorelines and wetlands as defined in RCW 90.58.030(2)(d) which comprise Lake Washington, and,

in addition, all wetlands designated by the department of ecology pursuant to chapters 173-18, 173-20, and 173-22 WAC, associated with Lake Washington. [Order 73-8, § 173-28-050, filed 6/19/73.]

WAC 173-28-060 Duties of the local governmental units comprising the region. Pursuant to RCW 90.58.110 it shall be the duty of each local governmental unit comprising the Lake Washington region to:

(1) develop cooperatively with all other local governmental units in the region consistent policies to be utilized by local governments for developments on the shorelines and wetlands of Lake Washington, which policies, after adoption by the region, shall be incorporated into the master programs of the local governmental units comprising the region;

(2) develop thereafter and submit to the department of ecology a separate master program pursuant to the policies established in conformity with section (1) above, for the shorelines and wetlands of Lake Washington falling within said local governmental unit;

(3) obtain full citizen input consistent with the final guidelines approved pursuant to the Shoreline Management Act, which input shall address Lake Washington as a region. Consistent with their authority under any and all applicable laws, they should form a technical committee to act as staff for the region; and

(4) appoint one or more members from the citizen advisory committee of the local governmental unit to serve on the regional citizen committee. [Order 73-8, § 173-28-060, filed 6/19/73.]

WAC 173-28-070 Review of master programs by the department of ecology. The department of ecology shall review as one master program all the policies and master programs submitted for Lake Washington by the governmental units comprising the region in the manner prescribed for review of master programs by RCW 90-.58.090. [Order 73-8, § 173-28-070, filed 6/19/73.]

WAC 173-28-080 Fund availability. Recognizing that the regional planning provided for by this regulation may require funds over and above those needed for local shoreline planning efforts, the department will, to the extent funds are available for this purpose, make funds available to the region, pursuant to an agreement to be prepared in conformity with chapter 39.34 RCW. [Order 73-8, § 173-28-080, filed 6/19/73.]

Chapter 173-30 WAC
MINIMUM WATER FLOWS——CEDAR RIVER

WAC

173-30-010 Background and authority.
173-30-020 Applicability.
173-30-030 Measurement.
173-30-040 Declaration of minimum flows.
173-30-050 Future rights.
173-30-060 Enforcement.
173-30-070 Public information.

WAC 173-30-010 Background and authority. In accordance with the provisions of chapter 90.22 RCW this regulation establishes minimum stream flows, pursuant to the request of the Washington State Departments of Fisheries and Game after evaluation of views presented at a public hearing held upon due notice. [Order 71-7, § 173-30-010, filed 8/17/71.]

WAC 173-30-020 Applicability. (1) The minimum flows herein established apply to waters in and contributory to the Cedar River, located within King County, Washington, and affect the entire watershed drained by said Cedar River including all tributaries thereto.

(2) Only unappropriated, natural flow waters of the Cedar River and its tributaries are affected hereby.

(3) Pre-existing water and storage rights on the Cedar River and its tributaries and the use thereof, including such rights as the City of Seattle may possess, are not affected hereby. [Order 71-7, § 173-30-020, filed 8/17/71.]

WAC 173-30-030 Measurement. The minimum flows herein established shall be measured at the existing U.S. Geological Survey gaging station on the Cedar River located at Renton, Washington. Said flows are to be maintained undiminished from this gaging station to the mouth of the river. [Order 71-7, § 173-30-030, filed 8/17/71.]

WAC 173-30-040 Declaration of minimum flows. Water flows in the Cedar River and tributaries thereto shall, to the extent depletion under pre-existing rights and natural conditions permit, be maintained throughout each year at levels which, during the time periods designated, do not fall below the following measurements: (1) October 1 to October 5: 300 c.f.s. (cubic feet per second).

(2) October 5 to October 11: linear increase from 300 c.f.s. on October 5 to 480 c.f.s. on October 11.

(3) October 11 to June 15: 480 c.f.s.

(4) June 15 to July 15: linear decrease from 480 c.f.s. on June 15 to 75 c.f.s. on July 15.

(5) July 15 to August 15: 75 c.f.s.

(6) August 15 to September 11: linear increase from 75 c.f.s. on August 15 to 180 c.f.s. on September 11.

(7) September 11 to September 20: 180 c.f.s.

(8) September 20 to September 26: linear increase from 180 c.f.s. on September 20 to 300 c.f.s. on September 26.

(9) September 26 to October 1: 300 c.f.s. [Order 71-7, § 173-30-040, filed 8/17/71.]

WAC 173-30-050 Future rights. No right to divert or store public waters of the Cedar River and its tributaries shall hereafter be granted which shall conflict with the minimum flows herein established. Satisfaction of normal stockwatering requirements for stock on riparian grazing lands which drink directly from such waters shall not be deemed to conflict with such minimum flows. [Order 71-7, § 173-30-050, filed 8/17/71.]

WAC 173-30-060 Enforcement. The Department of Ecology shall impose such sanctions, within its authority, as are appropriate on any person whose unlawful use of

water from the Cedar River and its tributaries interferes or is about to interfere with the maintenance of the minimum flows herein established, including but not limited to the issuance of regulatory orders under RCW 43.27A.190. [Order 71-7, § 173-30-060, filed 8/17/71.]

WAC 173-30-070 Public information. Copies of the data, views and report providing the basis for the establishment of the minimum flows herein established shall be filed at the Department of Ecology and available for inspection on request. [Order 71-7, § 173-30-070, filed 8/17/71.]

Chapter 173-32 WAC
REGULATION RELATING TO ALLOCATION OF FINANCIAL AID TO COUNTIES AND CITIES TO ASSIST IN COMPREHENSIVE PLANNING FOR SOLID WASTE MANAGEMENT

WAC

173-32-010 Introduction.
173-32-020 Purpose.
173-32-030 Criteria for allocation of funds.
173-32-040 Implementation.

WAC 173-32-010 Introduction. RCW 70.95.130 provides that counties and cities may apply to the Department of Ecology for financial aid for the preparation of a comprehensive county plan for solid waste management. Such a plan is described in RCW 70.95.080. RCW 70.95.130 further provides that the Department shall determine priorities and allocate available funds among those counties and cities applying for aid, and shall adopt regulations establishing the criteria by which such allocations shall be made. Such criteria shall be based upon population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of proposed expenditures. [Order DE 71-2, § 173-32-010, filed 4/30/71.]

WAC 173-32-020 Purpose. The purpose of this regulation is to establish criteria by which the Department of Ecology shall allocate financial aid to counties and cities for the development of comprehensive solid waste management plans. [Order DE 71-2, § 173-32-020, filed 4/30/71.]

WAC 173-32-030 Criteria for allocation of funds. The criteria to be used by the Department for allocation of funds are as follows: (1) Intensity of local solid waste management problems, including but not limited to their interrelationships with:

(a) Population;

(b) Existing and proposed development of urban areas located within the applicant county or multi-county area and relationship with industrial, commercial and residential areas;

(c) Water pollution;

(d) Air pollution;

(e) Land management and zoning;

(f) Existing waste handling practices.

(2) Evidence of the city-county cooperation necessary for development of a comprehensive county or multi-county solid waste management plan.

(3) Availability of qualified personnel for planning purposes.

(4) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to solid waste management.

(5) Ability to make rapid progress toward development of a comprehensive local plan.

(6) Proportion of local solid waste planning costs to be borne by the applicant.

(7) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward development and implementation of the proposed solid waste management plan. [Order DE 71-2, § 173-32-030, filed 4/30/71.]

WAC 173-32-040 Implementation. The implementation of this regulation shall be performed by the Assistant Director provided for in section 2(3) of Department of Ecology Docket No. DE 70-15. [Order DE 71-2, § 173-32-040, filed 4/30/71.]

Chapter 173-34 WAC
EXEMPTIONS FROM THE DETAILED STATEMENT REQUIREMENTS OF THE STATE ENVIRONMENTAL POLICY ACT

WAC

173-34-010 Purpose.
173-34-020 Definitions.
173-34-030 Exemptions.
173-34-040 Exemptions——Nonexempt actions.
173-34-050 Exemptions——Limitation of exemptions.

WAC 173-34-010 Purpose. The purpose of this chapter is to establish, pursuant to chapter 179, Laws of 1973 1st ex. sess., those classes of actions of governmental agencies relating to the location, construction or modification of individual single-family residences which shall be exempt from the requirement for preparation of a "detailed statement" as provided in RCW 43.21C.030. [Order 73-15, § 173-34-010, filed 8/14/73.]

WAC 173-34-020 Definitions. (1) "Individual single-family residence" is defined as a house or similar dwelling designed to accommodate human habitation for not more than one family. The phrase is also defined to include garages, patios, buildings, and other appurtenant facilities directly associated with said house or similar dwelling.

(2) "Sensitive area" is defined as any area which:

(a) contains significant threats to the environment arising from earth slides, avalanches, or flooding from a flood of a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year; or

(b) contains any special natural values such as a marsh land, or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna or,

(c) is being given special attention because of a problem of critically low or declining resource supply or quality, or

(d) contains elements having significant aesthetic, recreational or historical value; or,

(e) is within "shorelines of the state" as defined in the Shoreline Management Act of 1971.

(3) "Branches of government" are defined as state agencies, municipal and public corporations, and counties. [Order 73-15, § 173-34-020, filed 8/14/73.]

WAC 173-34-030 Exemptions. All classes of acts of branches of government in Washington relating directly to construction or modification of individual single-family residences located in areas of the state, other than sensitive areas, are exempted from the "detailed statement" requirement of RCW 43.21C.030 of the State Environmental Policy Act of 1971. Examples of such exempted acts include, but are not limited to, actions relating to:

(1) Building permits
(2) Sewerage/septic tank permits
(3) Electric power facilities
(4) Water supply facilities
(5) Grading permits
(6) Dimensional variances [Order 73-15, § 173-34-030, filed 8/14/73.]

WAC 173-34-040 Exemptions——Nonexempt actions. Any action of a governmental agency pertaining to individual single-family residences not classified as exempt by WAC 173-34-030 shall not be presumed to either require or not require a "detailed statement." Every such nonexempted action shall be the subject of a determination by the governmental agency as to whether the same constitutes a major action requiring a "detailed statement." [Order 73-15, § 173-34-040, filed 8/14/73.]

WAC 173-34-050 Exemptions——Limitation of exemptions. (1) Recognition is given to ambiguous language of the statute involving the scope of the department of ecology's authority to exempt actions from the "detailed statement" requirements of SEPA. The department interprets chapter 43.21C RCW to be limited in its exemption authority to building permits and other actions relating to individual single-family residences. This interpretation is based on investigations of legislative history and background and is thought to best reflect legislative intent of this unclear wording.

(2) Section 1, chapter 179, Laws of 1973 1st ex. sess. directs the department to implement a regulation within a limited time after the section's effective date. The department recognizes that certain definitions contained in WAC 173-34-020(2) pertaining to "sensitive areas" are imprecise in terms of geographic coverage. The department of ecology intends to continue to investigate possibilities for alternative words of more precision for use in WAC 173-34-060, and when such words are developed, amend this regulation. [Order 73-15, § 173-34-050, filed 8/14/73.]

Chapter 173-40 WAC
POLLUTION DISCLOSURE

WAC

173-40-010 Authority.
173-40-020 Purpose.
173-40-030 Definitions.
173-40-040 Critical materials registry.
173-40-050 Annual reports.

WAC 173-40-010 Authority. This regulation is adopted pursuant to chapter 90.52 RCW, the pollution disclosure act of 1971, and chapter 43.21A RCW. [Order 72-26, § 173-40-010, filed 11/27/72.]

WAC 173-40-020 Purpose. Chapter 90.52 RCW requires the director of the department of ecology to adopt a critical materials registry and establish an annual reporting procedure for those operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state. [Order 72-26, § 173-40-020, filed 11/27/72.]

WAC 173-40-030 Definitions. As used herein "director" shall mean the director of the department of ecology. "Department" shall mean the department of ecology. Waters of the state shall include both surface and ground waters. [Order 72-26, § 173-40-030, filed 11/27/72.]

WAC 173-40-040 Critical materials registry. The director, having consulted with a committee of environmental specialists as required by law, hereby designates the following materials as critical materials to be set forth in a critical materials registry filed at the department:

asbestos
arsenic, elemental and compounds of
barium, soluble salts of
beryllium, elemental and compounds of
boron, elemental and compounds of
cadmium, elemental and compounds of
chlorinated hydrocarbons, compounds
chlorine, elemental and compounds of
chromium, soluble salts and all chromates
copper, elemental and compounds of
cyanides, compounds including the organic nitriles
fluorine, elemental and compounds of
lead, elemental and compounds of
mercury, elemental and compounds of
nickel, soluble salts of
organo phosphorus; insecticide, algaecide, and slimecide compounds
phenols and polychorinated biphenyls, compounds
selenium, elemental and compounds of
silver, soluble salts of

zinc, soluble salts of

[Order 72-26, § 173-40-040, filed 11/27/72.]

WAC 173-40-050 Annual reports. Upon notification by the director of the department of ecology, commercial operations including industrial operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, during the month of January, reports, on forms provided by the department. The information required shall pertain to those materials set forth in WAC 173-40-040 above, which are in excess of the corresponding materials occurring in the intake source used by the operation. The information shall also include volumes of process and cooling water to be discharged into the water, air or into any sewer system. The information given is to be an estimate of the amount(s) of such materials to be discharged in the calendar year in which the report is being filed. The reports shall be postmarked no later than January 31 and be sent to:

Director
Department of Ecology
Olympia, Washington 98504
ATTN: POLLUTION DISCLOSURE

[Order 72-26, § 173-40-050, filed 11/27/72.]

Chapter 173-60 WAC
MAXIMUM ENVIRONMENTAL NOISE LEVELS

WAC

173-60-010	Authority and purpose.
173-60-020	Definitions.
173-60-030	Identification of environments.
173-60-040	Maximum permissible environmental noise levels.
173-60-050	Exemptions.
173-60-060	Nuisance regulations not prohibited.
173-60-070	Future regulations.
173-60-080	Variances and implementation schedules.
173-60-090	Enforcement policy.
173-60-100	Appeals.
173-60-110	Cooperation with local government.
173-60-120	Effective date.

WAC 173-60-010 Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. [Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

WAC 173-60-020 Definitions. (1) "Background Sound Level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Local Government" means county or city government or any combination of the two.

(7) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(8) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(9) "Property Boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(10) "Racing Event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(11) "Receiving Property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(12) "Sound Level Meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

(13) "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water. [Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

WAC 173-60-030 Identification of environments. (1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA – Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

(i) Residential

(ii) Multiple family living accommodations

(iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)

(iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA – Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

(i) Commercial living accommodations

(ii) Commercial dining establishments

(iii) Motor vehicle services

(iv) Retail services

(v) Banks and office buildings

(vi) Miscellaneous commercial services, property not used for human habitation

(vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA – Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

(i) Storage, warehouse, and distribution facilities.

(ii) Industrial property used for the production and fabrication of durable and nondurable man–made goods

(iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

(a) Residential zones – Class A EDNA

(b) Commercial zones – Class B EDNA

(c) Industrial zones – Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

(a) Residential areas – Class A EDNA

(b) Commercial areas – Class B EDNA

(c) Industrial areas – Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW. [Order 74–32, § 173–60–030, filed 4/22/75, effective 9/1/75.]

WAC 173–60–040 Maximum permissible environmental noise levels. (1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2) (a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA of NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55dBA	57dBA	60dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

(i) 5 dBA for a total of 15 minutes in any one–hour period; or

(ii) 10 dBA for a total of 5 minutes in any one–hour period; or

(iii) 15 dBA for a total of 1.5 minutes in any one–hour period. [Order 74–32, § 173–60–040, filed 4/22/75, effective 9/1/75.]

WAC 173–60–050 Exemptions. (1) The following shall be exempt from the provisions of WAC 173–60–040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: *Provided*, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173–60–040(2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently

operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: *Provided*, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by watercraft.

(k) Sounds created by the discharge of firearms in the course of hunting.

(l) Sounds caused by natural phenomena and unamplified human voices.

(m) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(5) The following shall be exempt from all provisions of WAC 173-60-040 until February 1, 1978 or amended regulations are developed, whichever occurs sooner:

(a) Sounds originating from natural gas transmission facilities installed prior to September 1, 1975.

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW. [Order DE 77-1, § 173-60-050, filed 6/1/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

WAC 173-60-060 Nuisance regulations not prohibited. Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department. [Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

WAC 173-60-070 Future regulations. It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter within two years after adequate legislative funding is made available to conduct studies providing the necessary data.

(1) Sounds created by aircraft engine testing and maintenance not related to flight operations, through the adoption of a new chapter 173-64 WAC.

(2) Sounds created by construction equipment and emanating from construction sites, through the adoption of a new chapter 173-66 WAC.

(3) Sounds created by motor vehicle racing events, through the adoption of a new chapter 173-63 WAC.

(4) Sounds created by watercraft, through the adoption of a new chapter 173-70 WAC.

(5) Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad, to the extent consistent with federal law and regulations through the adoption of a new chapter 173-72 WAC. [Order DE 77-1, § 173-60-070, filed 6/1/77; Order 74-32, § 173-60-070, filed 4/22/75, effective 9/1/75.]

WAC 173-60-080 Variances and implementation schedules. (1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, enroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the

issuance of a variance. [Order 74-32, § 173-60-080, filed 4/22/75, effective 9/1/75.]

WAC 173-60-090 Enforcement policy. Noise measurement for the purposes of enforcing the provisions of WAC 173-060-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the Noise Control Regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation. [Order DE 76-5, § 173-60-090, filed 2/5/76; Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

WAC 173-60-100 Appeals. Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43-.21B RCW under the procedures of chapter 371-08 WAC. [Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

WAC 173-60-110 Cooperation with local government. (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within 60 days of submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning. [Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

WAC 173-60-120 Effective date. This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof as new information becomes available for the purpose of making amendments as appropriate. [Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

Chapter 173-62 WAC
MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

WAC

173-62-010 Authority and purpose.
173-62-020 Definitions.
173-62-030 Standards.
173-62-040 Exemptions.
173-62-050 Implementation schedules.
173-62-060 Enforcement.
173-62-070 Effective date.

WAC 173-62-010 Authority and purpose. Under RCW 70.107.030(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways. [Order DE 74-33, § 173-62-010, filed 1/30/75, effective 7/1/75.]

WAC 173-62-020 Definitions. As used in this chapter:

(1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standards Institute Specifications S 1.4-1971 for sound level meters. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals.

(2) "Department" means the department of ecology.

(3) "Director" means director of the department of ecology.

(4) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(5) "Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(6) "Motor Vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010. (Aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein.)

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except such vehicles powered by engines not to exceed five horsepower and farm tractors.

(8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

(9) "New Motor Vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

(10) "Off-Highway Vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010.

(11) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(12) "Public Highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

(13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using an "A" weighting network and reported as dBA. [Order DE 75-17, § 173-62-020, filed 8/11/75; Order DE 74-33, § 173-62-020, filed 1/30/75, effective 7/1/75.]

WAC 173-62-030 Standards. (1) No person shall operate any motor vehicle upon any public highway or any combination of such vehicles under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the following maximum permissible sound levels for the category of vehicle, as measured at a distance of 50 feet from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in (chapter 204-56 WAC) Sound measurement procedures.

Table I
MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

Vehicle Category	Highway Operations Test: 35 mph or less	Highway Operations Test: over 35 mph	Stationary Test
Motor vehicles over 10,000 lbs GVWR or GCWR	86 dBA	90 dBA	86 dBA
Motorcycles	80	84	N/A
All other motor vehicles	76	80	N/A

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with a muffler in good working order and constant operation.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the following noise levels at a distance of 50 feet under acceleration test procedures established by the state commission on equipment.

Table II
MAXIMUM NOISE LEVELS FOR NEW MOTOR VEHICLES

Motorcycles manufactured after 1975	83 dBA
Any motor vehicle with GVWR or GCWR of 10,000 pounds or more manufactured after 1975	86 dBA
after January 1, 1978	83 dBA
after January 1, 1982	80 dBA
Any motor vehicle with GVWR or GCWR of less than 10,000 pounds manufactured after 1975	80 dBA

[Order DE 77-2, § 173-62-030, filed 6/1/77; Order DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

WAC 173-62-040 Exemptions. The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity. [Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

WAC 173-62-050 Implementation schedules. (1) **Conditions of Issuance**. The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting Procedure**. Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW. [Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

WAC 173-62-060 Enforcement. Violation of any motor vehicle noise standard set forth in this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW. [Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

WAC 173-62-070 Effective date. This chapter shall become effective July 1, 1975. [Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]

Chapter 173-124 WAC
QUINCY GROUND-WATER MANAGEMENT SUBAREA AND ZONES

WAC

173-124-010 Background.
173-124-020 Purpose.
173-124-030 Authority.
173-124-040 Subarea definition.
173-124-050 Subarea zone definition.
173-124-060 Subarea map.

WAC 173-124-010 Background. (1) On March 1, 1969, the department of water resources promulgated WAC 508-14-010 to curtail further ground-water development in a defined area of the Columbia basin, referred to as the "Quincy basin," pending the outcome of detailed ground-water investigations to determine if further appropriation of public ground waters in this area should be allowed.

(2) The extensive investigation program was to be completed no later than December 31, 1972, and thereafter procedures would be developed to insure proper allocation and management of the Quincy basin ground-water resource.

(3) Since the effective date of WAC 508-14-010, all applications to appropriate ground-water in the defined Quincy basin have been held in abeyance pending the outcome of the ground-water investigations.

(4) As part of the investigation program a digital ground-water model has been developed to analyze ground-water conditions in most of the Columbia basin including the Quincy basin.

(5) Through use of this ground-water model it has been possible to define with reasonable accuracy the extent of a practical ground-water management unit in the Quincy basin area. [Order 72-24, § 173-124-010, filed 1/15/73.]

WAC 173-124-020 Purpose. The purpose of this regulation is to establish areal boundaries and depth zones for the Quincy ground-water subarea as the initial step toward development of a proper ground-water management program for this part of the Columbia basin. [Order 72-24, § 173-124-020, filed 1/15/73.]

WAC 173-124-030 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 43.21A, 90-.03, and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW. [Order 72-24, § 173-124-030, filed 1/15/73.]

WAC 173-124-040 Subarea definition. "Quincy ground-water subarea" shall mean those lands lying within the Columbia basin described as follows:

Township (North)	Range (East)	Sections
17	23	1 thru 4, 11 and 12
17	24	1 thru 16
17	25	1 thru 18 and 24
17	26	1 thru 24
17	27	1 thru 24
17	28	1 thru 20
17	29	1 thru 12 and 14 thru 18
17	30	*1 thru 8, 12, and that part of 9, 10, 11, 13 and 14 lying to the right of the center line of the east low canal
17	31	*7 and that part of 5, 6, 8, 17 and 18 lying to the right of the center line of the east low canal
18	22	1, 12, and 13
18	23	1 thru 36
18	24	1 thru 36
18	25	1 thru 36
18	26	1 thru 36
18	27	1 thru 36
18	28	1 thru 36
18	29	1 thru 36
18	30	*3 thru 10, 15 thru 24, 26 thru 36 and that part of 2, 11, 13, 14 and 25 lying to the right of the center line of the east low canal
18	31	*That part of 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36
19	24	1 thru 36
19	25	1 thru 36
19	26	1 thru 36
19	27	1 thru 36
19	28	1 thru 36
19	29	*5 thru 8, 17 thru 21, 28 thru 33, and that part of 4, 9, 15, 16, 22, 23, 27, 34, 35 and 36 lying to the right of the center line of the east low canal
19	30	*That part of 28 and 31 thru 35 lying to the right of the center line of the east low canal
20	23	1 thru 5 and 8 thru 17, 20 thru 29 and 32 thru 36
20	24	1 thru 36
20	25	1 thru 36
20	26	1 thru 36
20	27	1 thru 36
20	28	1 thru 36
20	29	*19, 20, 29 thru 32, and that part of 6, 7, 16, 17, 18, 21, 28, and 33 lying to the right of the center line of the east low canal
21	23	25 thru 28 and 32 thru 36
21	24	25 thru 36
21	25	24 thru 36
21	26	1 thru 4, 9 thru 16 and 19 thru 36
21	27	1 thru 36
21	28	*5 thru 9, 13 thru 36 and that part of 3, 4, 9, 10, 11 and 12 lying to the right of the center line of the east low canal
21	29	*That part of 7, 8, 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
22	26	2, 10 thru 16, 21 thru 28 and 33 thru 36
22	27	1 thru 4 and 7 thru 36
22	28	*1 thru 11, 31 and that part of 18, 19, 29, 30, 32, and 33 lying to the right of the center line of the east low canal
23	27	34 thru 36
23	28	31 thru 36

*Right and left sides are determined by looking in the downstream direction or direction of flow.

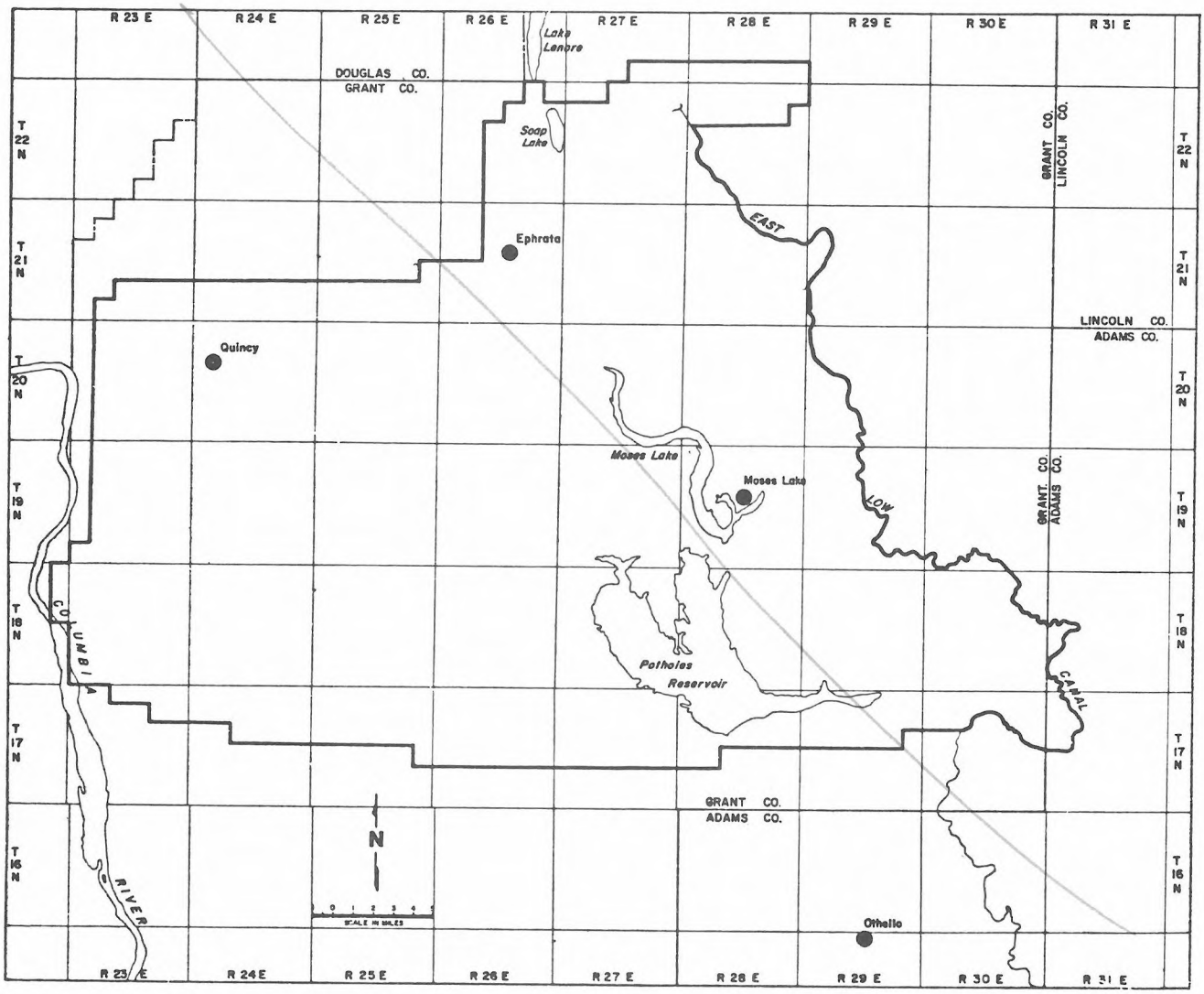
[Order 72–24, § 173–124–040, filed 1/15/73.]

WAC 173–124–050 Subarea zone definition. (1) "Quincy unconsolidated zone" shall mean those rock units in the Quincy ground–water subarea lying between ground surface and the top of the uppermost basalt flow.

(2) "Quincy basalt zone" shall mean those rock units in the Quincy ground–water subarea consisting of basalt flows of Tertiary age. [Order 72–24, § 173–124–050, filed 1/15/73.]

WAC 173–124–060 Subarea map. "Quincy ground–water subarea" shall include those lands that lie within the heavy outline shown on the following map:

QUINCY GROUND–WATER SUBAREA



[Order 72–24, § 173–124–060, filed 1/15/73.]

Chapter 173–128 WAC
ODESSA GROUND–WATER MANAGEMENT SUBAREA

WAC

173–128–010 Background.
173–128–020 Purpose.
173–128–030 Authority.
173–128–040 Subarea definition.
173–128–050 Subarea map.

WAC 173–128–010 Background. (1) Since the year 1967 that segment of the Columbia basin ground–water system centered around the community of Odessa has been experiencing a relatively steady decline in ground–water levels and pressures.

(2) Spurred by local concern and foreseeable management problems, the department of water resources

(now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground-water conditions in the Odessa basin.

(3) The results of this investigation have been manifested in the development of a digital ground-water model of the Odessa basin.

(4) Through use of this ground-water model it has been possible to define with reasonable accuracy the extent of a practical ground-water management unit in the Odessa basin. [Order 72-25, § 173-128-010, filed 1/15/73.]

WAC 173-128-020 Purpose. The purpose of this regulation is to establish boundaries for the Odessa ground-water subarea as the initial step toward development of a proper ground-water management program for this part of the Columbia basin. [Order 72-25, § 173-128-020, filed 1/15/73.]

WAC 173-128-030 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 43.21A, and 90.44 RCW and after giving notice as provided in chapters 34.04 and 42.30 RCW. [Order 72-25, § 173-128-030, filed 1/15/73.]

WAC 173-128-040 Subarea definition. "Odessa ground-water subarea" shall mean those lands lying within the Columbia basin described as follows:

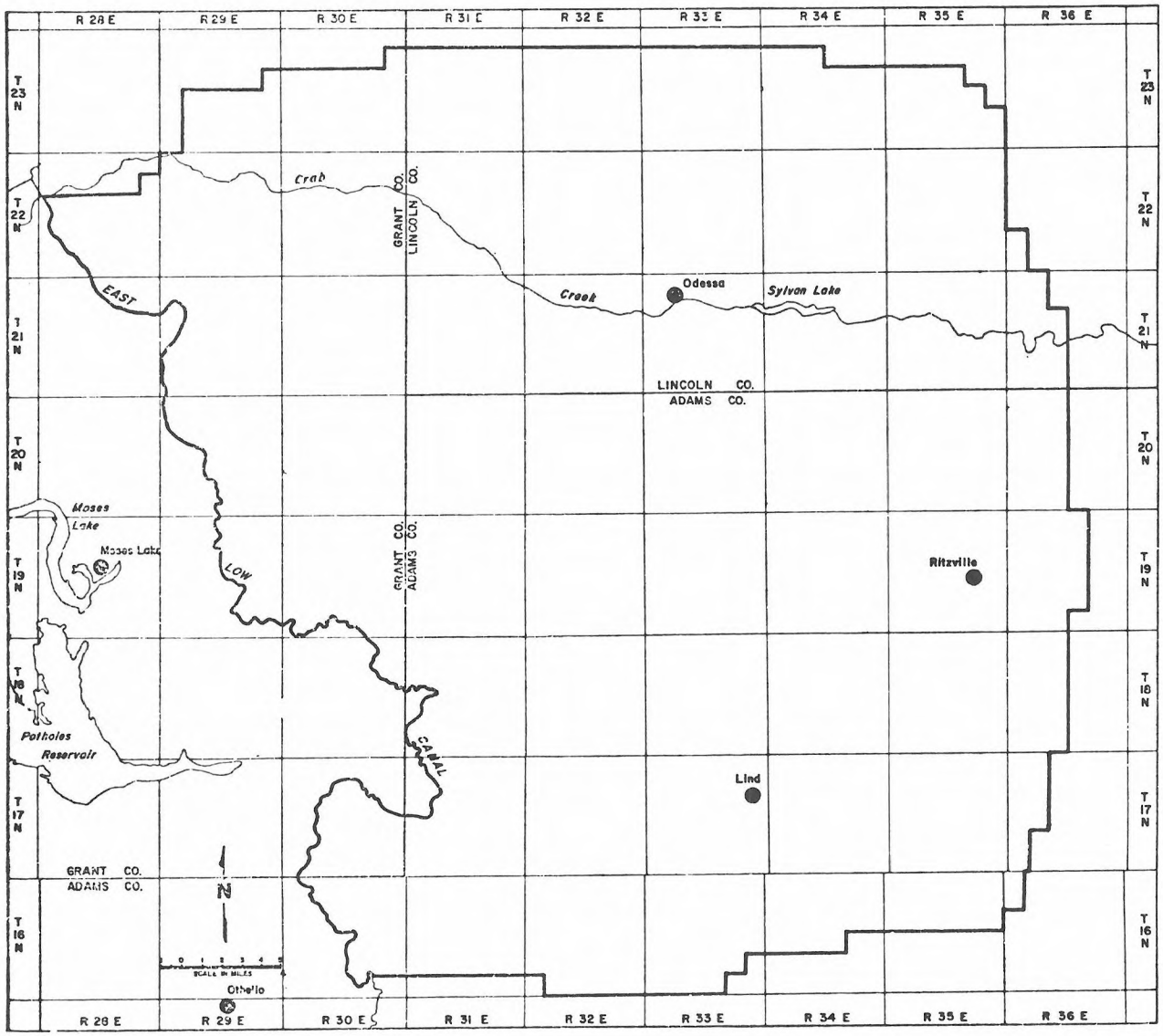
Township (North)	Range (East)	Sections
16	30	*1 thru 4, 10 thru 14, 23 thru 25, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28 and 34 lying to the left of the center line of the east low canal
16	31	1 thru 30
16	32	1 thru 30, 32 thru 36
16	33	1 thru 24, 26 thru 34
16	34	1 thru 22
16	35	1 thru 18
16	36	6 and 7
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31 and 32 lying to the left of the center line of the east low canal
17	31	*1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left side of the center line of the east low canal
17	32	1 thru 36
17	33	1 thru 36
17	34	1 thru 36
17	35	1 thru 36
17	36	5 thru 8, 17 thru 20, 30 and 31
18	30	*1, 12 and that part of 2, 11, 13, and 14 lying to the left of the center line of the east low canal
18	31	*1 thru 16, 20 thru 29, 32 thru 36, and that part of 17, 18, 19, 30, and 31 lying to the left of the center line of the east low canal
18	32	1 thru 36
18	33	1 thru 36
18	34	1 thru 36
18	35	1 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33
19	29	*1 thru 3, 10 thru 14, 24, 25, and that part of 3, 4, 9, 10, 15, 16, 22, 23, 26, 27, 34, 35, and 36 lying to the left of the center line of the east low canal
19	30	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the east low canal
19	31	1 thru 36
19	32	1 thru 36
19	33	1 thru 36
19	34	1 thru 36
19	35	1 thru 36
19	36	3 thru 10, 15 thru 22, and 27 thru 33
20	29	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the east low canal
20	30	1 thru 36
20	31	1 thru 36
20	32	1 thru 36
20	33	1 thru 36
20	34	1 thru 36
20	35	1 thru 36
20	36	4 thru 9, 16 thru 21, and 28 thru 33
21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the east low canal
21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the east low canal
21	30	1 thru 36
21	31	1 thru 36
21	32	1 thru 36
21	33	1 thru 36
21	34	1 thru 36
21	35	1 thru 36
21	36	5 thru 8, 16 thru 21, and 28 thru 33
22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the east low canal
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36
23	35	15 thru 23 and 25 thru 36

*Right and left sides are determined by looking in the downstream direction or flow direction.

[Order 72-25, § 173-128-040, filed 1/15/73.]

WAC 173-128-050 Subarea map. "Odessa ground-water subarea" shall include those lands that lie within the heavy outline shown on the following map:

ODESSA GROUND–WATER SUBAREA



[Order 72–25, § 173–128–050, filed 1/15/73.]

Chapter 173–130 WAC
ODESSA GROUNDWATER SUBAREA MANAGEMENT POLICY

WAC

173–130–010 Background.
173–130–020 Authority.
173–130–030 Definitions.
173–130–040 Purpose.
173–130–050 Depth zone designation.
173–130–060 Rate of decline in water level to be controlled.
173–130–070 Maximum lowering of the water table.
173–130–080 Regulation of withdrawal of ground water.
173–130–090 Notice of regulation.
173–130–100 No increase in groundwater withdrawals during regulation.
173–130–110 Supplemental wells regulated.
173–130–120 Annual volume of water determined.
173–130–130 New groundwater withdrawals.
173–130–140 New applications for withdrawal of groundwaters.
173–130–150 Time sequence for processing new applications to appropriate ground water.
173–130–155 Reworking wells.
173–130–160 Bore hole logs required.
173–130–170 Distance of wells from east low canal.
173–130–180 Supplemental surface water.
173–130–190 Groundwater supervisors.
173–130–195 Irrigation season.
173–130–200 Review of regulations.

WAC 173–130–010 Background. The Odessa groundwater subarea was duly established and the boundaries were set forth in chapter 173–128 WAC. [Order DE 73–32, § 173–130–010, filed 1/25/74.]

WAC 173–130–020 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43-.21A and 90.44 RCW. [Order DE 73–32, § 173–130–020, filed 1/25/74.]

WAC 173-130-030 Definitions. (1) "Zone A" shall include all rocks lying between land surface and the bottom of the zone of porosity shown at an altitude of 60 feet above mean sea level in the well known as the basalt explorer no. 1, which well is located in the W1/2 W1/2 Sec. 10, T.21N., R.31 E.W.M.

(2) "Zone B" shall include all rocks lying between an altitude of 60 feet above mean sea level and an altitude of 300 feet below mean sea level in the well known as the basalt explorer no. 1, which well is located in the W1/2 W1/2 Sec. 10, T.21N., R.31 E.W.M.

(3) "Zone C" shall include all rocks lying below an altitude of 300 feet below mean sea level in the well known as the basalt explorer no. 1, which well is located in the W1/2 W1/2 Sec. 10, T.21N., R.31 E.W.M.

(4) "Water Table" shall mean the surface formed by mapping the altitude at which water stands in all wells drilled into the same zone of porosity.

(5) "Critical Cone of Depression" shall mean a rate of water table decline of more than 30 feet in three years and/or when the water table under static conditions exceeds a depth of 300 feet below the static water level in 1967.

(6) "Priority" shall mean the date of receipt by the department of ecology, or its predecessor, of an application to appropriate waters.

(7) "Department" means department of ecology. [Order DE 73-32, § 173-130-030, filed 1/25/74.]

WAC 173-130-040 Purpose. The purpose of this regulation is to establish depth zones within the Odessa groundwater subarea and to establish a procedure for managing groundwater in zone A of the Odessa groundwater subarea in order to enforce the maintenance of a safe sustaining yield from the ground water body. Such yield is construed to be maintained for any well so long as the well is not within a critical cone of depression. Wells withdrawing less than 5,000 gallons per day, and wells withdrawing water from zones below zone A are not subject to this management policy. [Order DE 73-32, § 173-130-040, filed 1/25/74.]

WAC 173-130-050 Depth zone designation. Zones A, B, and C as defined in WAC 173-130-030 are hereby designated as separate depth zones within the Odessa groundwater subarea for the purpose of administrative control of withdrawals of water therefrom. [Order DE 73-32, § 173-130-050, filed 1/25/74.]

WAC 173-130-060 Rate of decline in water level to be controlled. The rate of decline in the water level in any portion of zone A will be limited to a total amount of 30 feet in three years. The three years shall be measured from a base time of the spring of 1972, EXCEPT that, in the case of a new well, the base time shall commence in the spring following the first season of irrigation use. [Order DE 73-32, § 173-130-060, filed 1/25/74.]

WAC 173-130-070 Maximum lowering of the water table. These regulations will be used to prevent the water table in zone A from descending more than 300 feet beneath the altitude of the static water level as measured in zone A in 1967. [Order DE 73-32, § 173-130-070, filed 1/25/74.]

WAC 173-130-080 Regulation of withdrawal of ground water. (1) Whenever the department has reason to believe that a critical cone of depression has developed within zone A, the department shall initiate the procedures of WAC 173-130-090. Regulation of withdrawals of groundwater, when ordered by the department, shall be limited to regulation of withdrawals within an identified cone of depression and shall not be imposed in part of zone A outside any such cone.

(2) Regulation within a critical cone of depression shall be imposed by order of the department requiring a decrease in the aggregate withdrawal within the cone sufficient for the water table to return within the limit of the conditions established in WAC 173-130-060 and 173-130-070. Such decrease shall conform to the priority of the pertinent, valid rights and shall prevail until the critical cone of depression no longer exists. Except that by mutual agreement among the respective right holders within a critical cone of depression and with the department, the ordered decrease in the aggregate withdrawal may be accomplished by some other method.

(3) The department recommends that regulation be carried out by a proportionate decrease in all groundwater withdrawals within a critical cone of depression in accordance with a formula whereby one point shall be earned for each month of priority, and one point shall be earned for each month since ground water has been placed in beneficial use, so that the point of withdrawal with the greatest number of points may, under regulation, produce the greatest proportionate volume of groundwater, and the point of withdrawal with the least number of points shall, under regulation, produce the lowest volume of groundwater. The department shall seek of all affected holders of water rights, a mutual agreement authorizing the foregoing method of regulation in every case in which regulation is found to be necessary.

(4) The department will notify the respective right holder that the withdrawal from wells under his jurisdiction must be reduced by a given number of acre-feet for the ensuing season. The right holder must then decide how best to accomplish this reduction. The department will not specify which well or lands must be taken out of use.

(5) Domestic and stockwater uses of groundwater within a critical cone of depression shall not be regulated, in any case, so long as they do not exceed 5,000 gallons per day. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.]

WAC 173-130-090 Notice of regulation. One year prior to any regulation of withdrawals of groundwater, a notice of intention to regulate shall be sent by certified mail to all persons whose withdrawal of groundwater is proposed to be regulated. Additionally said notice shall be published in three consecutive weekly issues of a

newspaper of general circulation in the county or counties containing the lands involved. The notice shall set forth: (1) A legal description of the land area to be affected; (2) the names of all persons known to be withdrawing groundwater from land within such area; (3) the date the regulation of such withdrawals is proposed to begin; (4) the nature of the regulatory action proposed; (5) the proposed duration of such regulation; (6) the time and place of a public hearing on the proposal. If, after such hearing, a finding is made that a critical cone of depression has developed and that withdrawals should be regulated on properties affected in order to return the water table to within the limit of the conditions established in WAC 173–130–060 and 173–130–070, the department shall, by order directed to all persons withdrawing groundwaters from the lands involved, impose limitations on withdrawals in accordance with WAC 173–130–080. [Order DE 73–32, § 173–130–090, filed 1/25/74.]

WAC 173–130–100 No increase in groundwater withdrawals during regulation. When a critical cone of depression develops in the water table in zone A and groundwater withdrawals are regulated by any method, withdrawal of groundwater from any point of withdrawal within the cone of depression may not be increased beyond that rate and volume produced during the two years prior to receipt of the order of regulation. [Order DE 73–32, § 173–130–100, filed 1/25/74.]

WAC 173–130–110 Supplemental wells regulated. Supplemental wells will be regulated in accordance with these procedures. [Order DE 73–32, § 173–130–110, filed 1/25/74.]

WAC 173–130–120 Annual volume of water determined. Beginning February 1, 1975, quantities of groundwater that have been withdrawn from zone A in the Odessa groundwater subarea during the previous pumping season will be determined for wells other than those supplying water only for domestic and stock purposes (WAC 508–64–010 through 508–64–060). [Order DE 73–32, § 173–130–120, filed 1/25/74.]

WAC 173–130–130 New groundwater withdrawals. New groundwater withdrawals will be allowed from the Odessa groundwater subarea only when the volume of the groundwater withdrawal will not increase the rate of decline in the water table beyond a rate of 30 feet in a three–year period of time, or when the maximum volume of groundwater withdrawal will not lower the static groundwater level in zone A more than 300 feet below the level of the water table as it existed in 1967. [Order DE 73–32, § 173–130–130, filed 1/25/74.]

WAC 173–130–140 New applications for withdrawal of groundwaters. Prior to processing new applications for the withdrawal of groundwater from zone A of the Odessa groundwater subarea, the maximum requested rate and volume of withdrawal will be added to the maximum rate and volume of groundwater that can be withdrawn by existing rights and the resulting altitude and rate of decline in the static level of the water table in zone A calculated. When these calculations show that a critical cone of depression will develop if the proposed rate and volume of groundwater is withdrawn, the rate and volume of the proposed groundwater withdrawal will be decreased to an amount that can be produced from zone A without developing a critical cone of depression. [Order DE 73–32, § 173–130–140, filed 1/25/74.]

WAC 173–130–150 Time sequence for processing new applications to appropriate ground water. New applications to appropriate ground water from Zone A in the Odessa ground water subarea will be received by the department of ecology at any time and will enjoy a priority of the date of receipt. Whenever a determination is made on such an application that a permit should not be issued or that a permit should be issued for a rate or volume of water less that that applied for, the applicant shall be so advised in the form of a tentative decision. Such decision shall become final thirty (30) days after receipt thereof by the applicant unless the applicant advises the department in writing within such period that he desires to keep his application in a pending status until new information on ground–water levels in the subarea is acquired. When the department has been so advised, the application will be reevaluated after the next succeeding annual measurement of ground–water levels and a final determination shall then be made on the basis of all information available. When adequate aquifer data are not available to evaluate an application, the applicant will be notified that the application will be retained for priority purposes and reexamination when adequate data are available. [Order DE 75–33, § 173–130–150, filed 1/23/76; Order DE 73–32, § 173–130–150, filed 1/25/74.]

WAC 173–130–155 Reworking wells. Any well, under certificate status, which is reworked for any reason, shall be constructed so that all water bearing zones occurring above the static water level in the well as reworked shall be adequately sealed to eliminate any cascading water. Reworking for the purposes hereof shall include, but not be limited to, reaming to enlarge well diameter or deepening to a greater depth within the same depth zone as the existing well. [Order DE 75–33, § 173–130–155, filed 1/23/76.]

WAC 173–130–160 Bore hole logs required. It shall be the responsibility of the owner of all new or reworked wells drilling in the Odessa groundwater subarea to provide the department of ecology with such logs as the department may reasonably require. [Order DE 75–33, § 173–130–160, filed 1/23/76; Order DE 73–32, § 173–130–160, filed 1/25/74.]

WAC 173–130–170 Distance of wells from east low canal. No well may be drilled closer than one–quarter mile to the centerline of the east low canal. [Order DE 73–32, § 173–130–170, filed 1/25/74.]

WAC 173–130–180 Supplemental surface water. Should surface water become available in the Odessa

groundwater subarea to supplement the use of groundwater therefrom, the annual volume of groundwater withdrawn under the authority of a right may be regulated and decreased by the volume of surface water received and used upon lands described under said water right. In no case shall a water duty of more than 4.0 acre-feet per year using any combination of groundwater and supplemental surface water be allowed. [Order DE 73-32, § 173-130-180, filed 1/25/74.]

WAC 173-130-190 Groundwater supervisors. The department of ecology shall upon petition from interested parties subject to these regulations appoint groundwater supervisors for the Odessa groundwater subarea. Appointment shall be by the authority of RCW 90.44-.200. The groundwater supervisor shall work under the direction of a watermaster employed by the department of ecology. The appointment, duties, compensation, and authority of the groundwater supervisors shall be those prescribed by RCW 90.08.040 through 90.08.070 for stream patrolmen. [Order DE 73-32, § 173-130-190, filed 1/25/74.]

WAC 173-130-195 Irrigation season. The irrigation season for withdrawal of ground waters in the Odessa ground-water subarea shall be from February 1 to November 30 of each year. However, the department recognizes that soil moisture conditions will vary from year to year, making application of water to the land earlier or later than these dates desirable for sound farming practice in some years. Permission to withdraw water for use on the land before February 1 or after November 30 may be granted by the watermaster or ground water supervisor upon request by individual water permit or certificate holders in the subarea. [Order DE 75-33, § 173-130-195, filed 1/23/76.]

WAC 173-130-200 Review of regulations. These regulations shall be reviewed by the department of ecology annually for a period of five (5) consecutive years after their effective date. For the purposes of such review the department of ecology shall hold a public meeting in November or December of each of such years, beginning in 1974. After the five (5) year period provided for above, these regulations shall be reviewed when the director of the department of ecology receives a petition therefore pursuant to RCW 34.04.060 or when upon his own motion the director of the department of ecology considers that amendments to these regulations are necessary for the management of groundwater in the Odessa groundwater subarea. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.]

Chapter 173-132 WAC
DUCK LAKE GROUND WATER MANAGEMENT SUBAREA

WAC

173-132-010 Background.
173-132-020 Purpose.
173-132-030 Authority.
173-132-040 Subarea definition.
173-132-050 Subarea map.

WAC 173-132-010 Background. (1) Through well data collected since 1958 and refraction seismic surveys conducted in 1970 and 1971, the department of ecology has identified a semi-closed ground-water basin in the area of Duck Lake in Okanogan County, Washington.

(2) The principal aquifer in this area consists of glacial and fluvial sands and gravels that lie unconformably over metamorphic and igneous bedrock.

(3) Natural recharge to the aquifer occurs primarily through ground-water migration from Johnson Creek valley which lies northwest of the Duck Lake basin.

(4) The aquifer is also artificially recharged through waters diverted to Duck Lake from Salmon and Johnson creeks by the Okanogan irrigation district and from waters incidental to irrigation of project lands.

(5) Since the basin retains substantial quantities of artificially stored ground-water, in accordance with chapter 90.44 RCW it has been recommended that the Duck Lake aquifer be designated as a ground-water subarea. [Order DE 74-24, § 173-132-010, filed 10/18/74.]

WAC 173-132-020 Purpose. The purpose of this regulation is to establish areal boundaries for the Duck Lake ground-water subarea as the initial step toward development of an appropriate ground-water management program for this area. [Order DE 74-24, § 173-132-020, filed 10/18/74.]

WAC 173-132-030 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapters 43.21A, 90.03 and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW. [Order DE 74-24, § 173-132-030, filed 10/18/74.]

WAC 173-132-040 Subarea definition. "Duck Lake Ground-Water Subarea" shall mean those lands lying within Okanogan County described as follows:

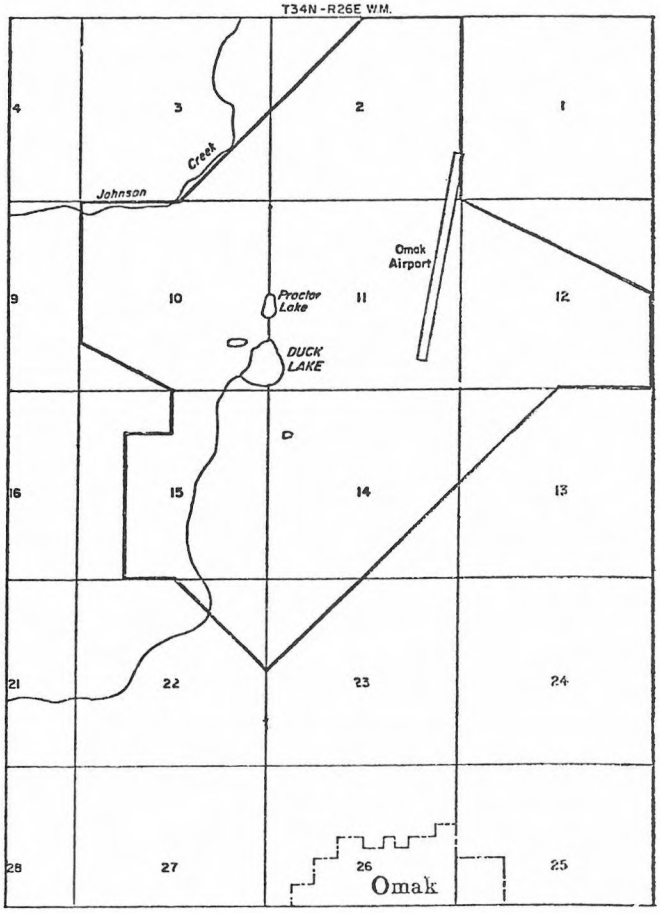
> Beginning at the west quarter corner of Sec. 23; thence northeast through the north quarter corner of Sec. 23 and the east quarter corner of Sec. 14 to the north quarter corner of Sec. 13; thence east to the northeast corner of Sec. 13; thence north to the east quarter corner of Sec. 12; thence northwest to the southeast corner of Sec. 2; thence northwest to the center of the northwest quarter of Sec. 2; thence southwest through the west quarter corner of Sec. 2 to the south quarter corner of Sec. 3; thence west to the southwest corner of Sec. 3; thence south along the west line of Sec. 10 to the "bedrock" exposure which lies approximately 1,300 feet north from the southwest corner of Sec. 10; thence southeasterly along the "bedrock" to the south quarter corner of Sec. 10; thence south 1,320 feet; thence west 1,320 feet to the center of the northwest quarter of Sec. 15; thence south 3,960 feet to the south line of Sec. 15;

thence east to the south quarter corner of Sec. 15; thence southeast to the point of beginning; ALL in T. 34 N., R. 26 E.W.M., Okanogan County.

[Order DE 77–3, § 173–132–040, filed 4/21/77; Order DE 74–24, § 173–132–040, filed 10/18/74.]

WAC 173–132–050 Subarea map. "Duck Lake ground–water subarea" shall include those lands that lie within the heavy outline shown on the following map:

DUCK LAKE GROUND–WATER SUBAREA



[Order DE 74–24, § 173–132–050, filed 10/18/74.]

Chapter 173–134 WAC
THE ESTABLISHMENT OF REGULATIONS FOR THE ADMINISTRATION OF THE QUINCY GROUND WATER SUBAREA ESTABLISHED PURSUANT TO RCW 90.44.130

WAC

173–134–010 Administration of withdrawal of commingled public ground waters and artificially stored ground waters.
173–134–020 Definitions.
173–134–030 Quincy Ground Water Subarea——Background statement.
173–134–040 Quincy Ground Water Subarea——Managed and regulated by Department of Ecology.
173–134–050 Quincy Ground Water Subarea——Withdrawals of waters of deep management unit——Controlled by prior appropriation provisions.
173–134–060 Regulation of water of the shallow management unit——Permit requirements.
173–134–070 Responsibility for water management——Designation of critical management areas.
173–134–080 Establishment of a technical committee of scientific and engineering experts——Purpose.
173–134–085 Request for protection of interest——Department denial——Subject to review before the Pollution Control Hearings Board.
173–134–090 Permits not required——Conditions of exemption.
173–134–100 Permits issued or extended——Conditions under which agreements may be entered into.
173–134–110 Notification requirements.
173–134–120 Existing laws and rights recognized——Specific jurisdiction.
173–134–130 Modification of rules when action appears justified.

WAC 173–134–010 Administration of withdrawal of commingled public ground waters and artificially stored ground waters. The purpose of this chapter is to set forth rules of the Department of Ecology for the administration of ground waters, consisting of commingled public ground waters and artificially stored ground waters, within a subarea and zones (hereinafter the Quincy Subarea) established by the Department of Ecology on January 15, 1973 pursuant to RCW 90.44.130 and set forth in Chapter 173–124 WAC. The rules established herein set forth the regulatory and management program for such waters and all such waters shall be authorized for withdrawal and otherwise regulated by the department in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder or holders of declarations accepted by the department pursuant to RCW 90.44-.130. [Order 74–35, § 173–134–010, filed 1/9/75.]

WAC 173–134–020 Definitions. For purposes of this regulation, the following definitions shall apply (It is noted that the definitions of (1) and (8) hereof are not intended to be identical with the definitions in RCW 90.44.035).

(1) "Artificially stored ground waters" means waters beneath the land surface within an area, subarea or zone which are the subject of a declaration accepted by the department of ecology pursuant to the sixth paragraph of RCW 90.44.130.

(2) "Bureau" means the United States Department of the Interior, Bureau of Reclamation.

(3) "Critical Management Area" means a specified locality within the Quincy Subarea where depletion of ground waters, including interference with surface waters, necessitates the implementation of special ground water restrictions to insure protection to rights and interests in said waters as set forth in this chapter.

(4) "Deep Management Unit" means all ground waters underlying the shallow management unit.

(5) "Department" means the department of ecology.

(6) "Ground waters" means all waters beneath the land surface of the Quincy Ground Water Subarea.

(7) "Holder" means holder of a declaration, now or hereafter accepted by the department of ecology, pursuant to the sixth paragraph of RCW 90.44.130. "Holder" also means the bureau.

(8) "Public ground waters" means all ground waters in the Quincy Ground Water Subarea other than artificially stored ground water.

(9) "Quincy Ground Water Subarea," and "Quincy Subarea" mean the subarea designated by the order of the department of ecology, dated January 15, 1973, pursuant to RCW 90.44.130 and set forth in Chapter 173-124 WAC.

(10) "Shallow Management Unit" shall mean the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone, and shall be used in these regulations for the purpose of water management. [Order 74-35, § 173-134-020, filed 1/9/75.]

WAC 173-134-030 Quincy Ground Water Subarea——Background statement. This regulation pertains to the Quincy ground water subarea. The following general background is provided.

Rocks in the subarea are unconsolidated and semiconsolidated clastic sediment overlying basaltic rocks of the Columbia River Basalt Series. The unconsolidated and semiconsolidated clastic sediments and the upper part of the basaltic rocks form one interconnected hydraulic unit (hereafter referred to as the shallow management unit). The amount of hydraulic continuity between ground water in deeper rock and the upper part of the basalt is not fully known, but tests are being conducted to more precisely quantify this relationship.

Each year there are approximately 105,000 acre-feet of natural ground water inflow-outflow in the continuous hydraulic unit lying between land surface and the upper part of the basalt. Of that volume, the department has determined that 44,000 acre-feet of these public ground waters can be withdrawn.

By the end of the 1973 irrigation season (in October) there were approximately 3,493,142 acre-feet of imported waters stored underground in the Quincy ground water subarea. These imported waters are derived from the activities of the bureau and the Columbia Basin Project. Most of the imported water is located in the shallow management unit where it commingles with naturally occurring public ground waters.

The general pattern of flow of ground water in the shallow management unit is toward Potholes Reservoir, a facility of the Columbia Basin Project.

By order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975, issued concurrently herewith, declarations of artificially stored waters of the United States Bureau of Reclamation are being accepted for the Quincy subarea and zones. There are no other accepted declarations relating to the Quincy subarea and zones.

The department of ecology (and its predecessor agencies) has, through the issuance of permits and certificates pursuant to RCW 90.44.050 and RCW 90.44.060, authorized the withdrawal of public ground waters from:

(a) the shallow management unit in the amount of 57,516 acre-feet each year, and

(b) the deep management unit in the amount of 97,901 acre-feet each year; as these management units are presently defined in these regulations.

Beginning in 1967, the State of Washington administered a temporary program applicable to many of the waters to which this regulation relates. The temporary program is contained primarily in chapter 508-14 WAC. A total of 72,123 acre-feet of ground waters in a portion of the Quincy subarea was authorized to be withdrawn each year by the authority of temporary licenses issued by the bureau in relation to the temporary program. [Order 74-35, § 173-134-030, filed 1/9/75.]

WAC 173-134-040 Quincy Ground Water Subarea——Managed and regulated by Department of Ecology. All public and artificially stored ground water of the Quincy subarea shall be managed and regulated by the department of ecology in accordance with the following sections of this chapter. [Order 74-35, § 173-134-040, filed 1/9/75.]

WAC 173-134-050 Quincy Ground Water Subarea——Withdrawals of waters of deep management unit——Controlled by prior appropriation provisions. All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and RCW 90.44.060 and related code sections. The total withdrawals from the deep management unit shall not exceed 97,901 acre-feet per year pending the outcome of further studies by the department. [Order 74-35, § 173-134-050, filed 1/9/75.]

WAC 173-134-060 Regulation of water of the shallow management unit——Permit requirements. Waters of the shallow management unit shall be subject to the following:

(1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of RCW 90.44.050 and RCW 90.44.060. The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, RCW 90.44.060 or otherwise, under state law, shall not exceed 54,560 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic uses, including withdrawals for group domestic uses. No applications for withdrawals for uses, other than for such domestic uses, shall be approved by the department.

(2) No artificially stored ground waters shall be withdrawn by any person without obtaining permission of the department of ecology. Permission to withdraw shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application the following shall apply:

(a) Each permit shall be conditioned to insure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir Facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to insure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to insure availability and (2) protection of the useability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea, wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173–134–100 shall constitute grounds for the department to suspend or terminate a permit issued under this subsection (2).

(e) Applications for permits shall be processed as follows:

(i) Applications may be filed immediately after the effective date of this chapter. No actions upon applications shall be taken until February 14, 1975. Applications filed between the effective date of this chapter and by February 14, 1975 shall be ruled on in the following order:

(I) Applications for permission to withdraw artificially stored ground waters which are accompanied by a copy of a notice of intention to withdraw ground water filed with the department (or one of its predecessor agencies) under WAC 508–14–010(3a) or an application for a water right filed with the department (or one of its predecessor agencies) under RCW 90.44.060, and pursuant to WAC 508–14–010(3a), covering the same proposed withdrawal of ground water between May 12, 1967 and the effective date of this chapter, shall be processed in order of the date of filing said notice or application with the department. Whenever both a notice of intention and an application, as described in this subsection, were filed in relation to the same proposed withdrawal, the earliest date of filing shall control the order of processing. Applications for permission to withdraw artificially stored waters filed after February 14, 1975, even though accompanied by a notice of intention or an application, as described in this subsection, shall be processed in accordance with WAC 173–134–060(2)(e)(ii).

(II) All other applications for artificially stored ground waters shall be processed after the completion of rulings upon the applications described in WAC 173–134–060(2)(e)(i)(I), and shall be processed in the order of the filing of the application.

(ii) All applications received after February 14, 1975 shall be processed in order of their date of filing with the department of ecology.

(f) Permits granted herein shall pertain to a specific point of withdrawal and purpose and place of use and shall not be transferable to other points, purposes or places without written approval of the department.

(g) No permit shall authorize the withdrawal of waters from a well for agricultural irrigation use in an amount of more than 1,120 acre–feet annually for irrigation of not more than 320 acres. In the processing of an application for authorization to withdraw more than 1,120 acre–feet annually, the department shall issue a separate permit for each well relating to the application.

(h) The term of a permit issued hereunder shall be ten years provided, however, the permit shall be modifiable and terminable by the department at any time within said term for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173–134–070. As hereinafter provided in this subsection (h), a permit issued under WAC 173–134–060(2) shall be extendable for a single 10–year period. Unless a permit has been terminated prior to the beginning of the last year of its term, the department shall, by certified mail, notify the holder of a permit issued under WAC 173–134–060(2), not less than 365 days prior to the end of a term of a permit, that the department has determined:

(i) not to extend the permit for the one additional 10–year term, or

(ii) to extend the permit with conditions differing from those of the existing permit. Such notice shall specify the reasons for the action of the department and direct the permittee, if he should disagree with such action, to appear at a specified time and place when the facts supporting the determination of the department will be presented. Upon completion of such presentation of facts and any facts presented by the permittee, the department shall issue a final order pertaining to the extension or nonextension. Failure of the permittee to appear at the time and place stated in the notice shall be conclusively deemed as a voluntary relinquishment of any extension privilege in the permit subjected to a notice, and the permit shall automatically terminate at the end of its term. Permits not subjected to a notice as provided herein shall automatically be extended for one 10–year term under the same terms and conditions as originally issued.

(i) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(j) There shall be no fee for filing an application for a permit authorized for issuance under this chapter.

(k) Each permit shall be conditioned to require that wells be equipped with a flow–meter device as provided in chapter 508–64 WAC. It shall also be conditioned that for a reporting period ending November 30, and such other dates as the department may by regulatory

order require, a report shall be filed by the permittee with the department of ecology on a form provided by the department, not later than thirty days after the last day of the reporting period, setting forth the meter reading and the water volume withdrawn in acre–feet, if any, from the well during the immediately preceding reporting period. The report shall be required even though no waters were withdrawn during the reporting period. A copy of each report shall be filed by the permittee with the bureau.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a cumulative total, at a maximum, of no more than 197,000 acre–feet for one calendar year. Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967 and the effective date of this regulation and which are also the subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit unless further studies indicate sufficient available water in the deep management unit to warrant issuance of a permit for such withdrawal from the deep management unit.

(m) No person or entity shall be authorized to withdraw water for agricultural irrigation use on more than 5,000 acres total developed in yearly increments not exceeding 1,000 acres.

(n) The duty of water for agricultural irrigation uses shall be, based upon the total acreage authorized by permit for irrigation, at a rate of not more than 3.5 acre–feet for each acre for each calendar year.

(o) In addition to the above, except as hereinafter provided in this subsection (o), no applications for permits submitted pursuant to WAC 173–134–060(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau wasteways and from wells located on lands underlain by ground water that hydraulically responds to changes in the water level in the Potholes Reservoir, where land areas are designated as provided in the next sentence. From time to time, when necessary to protect public and private interests in the Quincy subarea and to otherwise provide proper implementation of this chapter, the department shall, through the issuance of regulatory orders, designate specifically described geographic areas of land adjacent to the wasteways and lands underlain by ground waters that hydraulically respond to changes in Potholes Reservoir. In the case of wasteways, and pond waters directly associated therewith, a designation shall be not less than one–quarter mile or more than three–quarters mile in width on each side of said wasteways and pond areas. Within land areas designated as described in the two preceding sentences, the only applications for permits to withdraw ground waters from wells within said land areas to be considered for approval pursuant to WAC 173–134–060(2) shall be in relation to wells which existed prior to the date of adoption of these regulations and waters were withdrawn from said wells under authority of licenses issued by the bureau between May 12, 1967 and the effective date of this chapter.

(3) Two fundamental bases of the program of the department in the regulation and management of artificially stored ground waters are:

(a) To insure that the bureau is provided with adequate supplies of such water to satisfy project needs of the bureau, both for the present and the future, for service out of Potholes Reservoir;

(b) To provide methods and procedures to insure that the holder of an accepted declaration receives reasonable fees for artificially stored ground water withdrawn by others under authority of permits issued under this subsection. [Order DE 75–4, § 173–134–060, filed 2/21/75; Order 74–35, § 173–134–060, filed 1/9/75.]

WAC 173–134–070 Responsibility for water management——Designation of critical management areas. (1) The department of ecology shall be responsible for the water management and regulation program applicable to the commingled waters provided in this chapter, including the authorization of withdrawals of artificially stored ground waters and regulation of the same. The department shall, in order to insure compliance with the water regulation and administration program of this chapter, issue regulatory orders. Such orders shall be issued pursuant to RCW 43.27A.190 through 43.27A.210 and shall be subject to review, as provided in chapter 43.21B RCW, before the Pollution Control Hearings Board.

(2) In times of shortage of water available to satisfy all ground water withdrawals authorized under WAC 173–134–060(2), the department shall reduce withdrawals, through issuance of regulatory orders, in order of the time of issuance of the permit by the department with the last permit issued being regulated against first. In relation thereto the department may designate critical management areas within the Quincy subarea based upon any of the following:

(a) Where there is an inadequate supply of water to the Potholes Reservoir and the Potholes canal system;

(b) When there is a shortage of water to satisfy ground water withdrawals authorized under WAC 173–134–060(2);

(c) Where existing wildlife, recreational, and other values associated with the general public interest are or will be detrimentally affected on a significant scale, or

(d) Where necessary to protect rights to withdraw public waters.

Designation of critical management areas shall be made through issuance of regulatory orders and shall define the areas and specify if the critical management period within the area is permanent or of a shorter time period. During the critical management period, the Director shall determine the allowable limits of withdrawal of artificially stored ground water within the critical management area.

(3) As part of its enforcement program, the department shall suspend or terminate permits, through the issuance of regulatory orders, when permittees fail to comply with the terms of an executed agreement as provided in WAC 173–134–100.

(4) All final decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, shall be subject to review by the Pollution Control Hearings Board under chapter 43.21B RCW. [Order 74–35, § 173–134–070, filed 1/9/75.]

WAC 173–134–080 Establishment of a technical committee of scientific and engineering experts——Purpose. (1) For the purpose of advising the department in the implementation of this chapter, there is established a technical committee of scientific and engineering experts consisting of one permanent member and one alternate member each from the holder and the department assisted by other technical advisors as the permanent members consider necessary or desirable, including advisors from the Columbia Basin irrigation districts and other public and private interests.

(2) The role of the committee shall relate generally to providing advice pertaining to ground and surface water conditions and management in the Quincy subarea as follow:

(a) Prepare data input and analyze data output pertaining to the digital model of the United States Geological Survey applicable to the Quincy subarea.

(b) Guided by information generated by the digital model and other pertinent data, evaluate applications, required by WAC 173–134–060(2), pertaining to commingled ground water in the Quincy subarea.

(c) Periodically, compare field data with date generated by the digital model. (Periodic review should attempt to ascertain reasons for any deviation between filed and model data.)

(d) When necessary in light of deviation of field data from model data, request the United States Geological Survey to adjust the model to reflect field data.

(e) Recommend solutions to both short term and long term technical problems in the allocation and management of the commingled ground water.

(f) Review all information from ongoing studies of the hydraulic continuity between the various depths in the Quincy subarea.

(g) Recommend regulatory actions designed to effectuate the provisions of chapter 173–134 WAC.

(h) Recommend establishment of critical management areas as provided in WAC 173–134–070(2).

(3) The committee shall meet on the first Friday of each month, not a holiday under federal or state law, and such other times as appears necessary as called by a permanent member of the committee.

(4) In relation to the processing of applications filed pursuant to WAC 173–134–060 and actions of the department otherwise described in this section, the department shall, prior to the ruling thereon or issuing the same, request the view of the technical committee and obtain comments of the permanent members thereof. [Order 74–35, § 173–134–080, filed 1/9/75.]

WAC 173–134–085 Holder request for protection of interest——Department denial——Subject to review before the Pollution Control Hearings Board. Whenever a holder believes its interests in the ground waters of the Quincy subarea are not being adequately protected, it may request the department to issue regulatory orders or take other appropriate management and regulatory actions designed to protect such interests. If the department concludes the requested action is not warranted in the administration of this chapter, the department shall issue an order denying the request. Such order shall constitute an order within the meaning of WAC 173–134–070(4) and shall be subject to review, as provided in chapter 43.21B RCW, before the Pollution Control Hearings Board upon petition by the bureau. Whenever, in relation to a petition to review, a holder requests an early disposition by the Board, the department shall join in such request. [Order 74–35, § 173–134–085, filed 1/9/75.]

WAC 173–134–090 Permits not required——Conditions of exemptions. (1) The permit program of WAC 173–134–060(2) shall not relate to (a) agricultural drains or (b) withdrawals from wells or similar works of artificially stored ground waters performed for the purpose of removing excess waters injurious to project lands to bureau canals or wasteways or other similar facilities; provided that the bureau shall not engage in activities pertaining to (b) above without first notifying the department and requesting its comment within a reasonable time.

(2) The permit program of WAC 173–134–060(2) shall not relate to withdrawals by public entities from wells or similar works of artificially stored ground waters performed as a necessary incident of the operation of an essential public service activity, such as a solid waste disposal facility or the fighting of fires; provided that the public entity shall not construct facilities for making such withdrawals or engage in such withdrawals without first notifying the department requesting its comments with regard to its intended action. This subsection shall not relate to other than essential public services and shall not pertain to the supplying of water for general municipal uses pertaining to satisfaction of industrial and domestic needs.

(3) No permit shall be required under WAC 173–134–060(2) for withdrawals of artificially stored ground waters of less than 5,000 gallons per day for domestic use. [Order 74–35, § 173–134–090, filed 1/9/75.]

WAC 173–134–100 Permits issued or extended——Conditions under which agreements may be entered into. (1) No permit issued or extended pursuant to WAC 173–134–060(2) shall be effective, and no new well or other works for withdrawal of ground waters thereunder shall be constructed, until the recipient of such permit or the extended permit shall enter an agreement with the holder, on a form and in a content, approved and previously agreed to by the holder and the department, pertaining to withdrawal of artificially stored ground waters. The agreement shall relate to reasonable charges for withdrawal of artificially stored ground waters and other pertinent provisions necessary to comply with federal law and insure payment of such charges.

(2) The holder of an accepted declaration pertaining to artificially stored ground water in the Quincy subarea shall not enter into an agreement, as provided in WAC

173-134-100(1), until a copy of a permit issued by the department pursuant to WAC 173-134-060(2) or, where applicable, an extended permit is received by said holder. Thereafter upon presentation of a request to enter such an agreement, accompanied by a permit, or extended permit, as applicable, issued by the department pursuant to WAC 173-134-060(2), the holder of the declaration shall enter into an agreement as described in WAC 173-134-100(1). The department, in those cases of extension of a permit in accordance with WAC 173-134-060(2)(h), will notify the holders as to the permits extended thereunder, and upon request of a permittee included within said notification, the holder shall enter into an agreement, as described in WAC 173-134-100(1), relating to such extension. [Order 74-35, § 173-134-100, filed 1/9/75.]

WAC 173-134-110 Notification requirements. Immediately upon the effective date of this chapter, the department of ecology shall, by certified mail, provide each person, who has filed a notice of intention or an application with the department of ecology (or one of its predecessor agencies), as described in WAC 173-134-060(e)(i)(I), with a copy of this chapter and chapter 173-136 WAC. [Order 74-35, § 173-134-110, filed 1/9/75.]

WAC 173-134-120 Existing laws and rights recognized——Specific jurisdiction. (1) Nothing in this chapter, including any permit issued pursuant hereto, shall authorized the use of waters in a manner which injures the property of others.

(2) Nothing in this chapter purports or is intended to modify any rights of an irrigation district created under a water delivery and "repayment" contract between the United States and irrigation districts located with the Columbia Basin Project.

(3) Nothing herein shall modify the rights of the United States to make use of the courts to protect its interests.

(4) Nothing in this chapter is intended to require the bureau to obtain a permit for recapture of ground water for project purposes by wasteways and drains, including Potholes Reservoir, which water is covered by an accepted declaration of right to withdraw artificially stored ground water pursuant to RCW 90.44.130.

(5) Nothing in this chapter purports to regulate the administration and operation of Columbia Basin Project facilities. [Order 74-35, § 173-134-120, filed 1/9/75.]

WAC 173-134-130 Modification of rules when action appears justified. The ground water management and regulation policy established herein is based upon all information presently available to the department. It is recognized that the status and condition of the ground waters of the Quincy subarea may be substantially different than the situation as it is presently understood or may change significantly from its physical condition as it appears presently. As new information develops, the department will modify this regulation if such action appears justified. It is the intention of the department to review this regulation at intervals of not less than annually. [Order 74-35, § 173-134-130, filed 1/9/75.]

Chapter 173-136 WAC

THE ESTABLISHMENT OF A SYSTEM OF AUTHORIZING THE WITHDRAWAL OF ARTIFICIALLY STORED GROUND WATERS EMBODIED IN AN APPROVED DECLARATION UNDER RCW 90.44.130, WHICH ARE COMMINGLED WITH PUBLIC GROUNDWATERS IN GROUND WATER AREAS, SUBAREAS, AND ZONES ESTABLISHED UNDER RCW 90.44.130

WAC

173-136-010 Purpose of chapter.
173-136-020 Definitions——This chapter.
173-136-030 Permit to withdraw.
173-136-040 Criteria for ruling upon application for permits.
173-136-050 Public notice of application and public hearings——When required.
173-136-060 Permits——Priorities and conditions of right of withdrawal.
173-136-070 Permits do not establish or embody water rights.
173-136-080 Permits shall be transmitted to the holder of a declaration.
173-136-090 Failure to obtain permit——Unlawful.
173-136-100 Review before the pollution control hearings board.

WAC 173-136-010 Purpose of chapter. The purpose of this chapter is to establish a permit system as a part of a comprehensive state water management and regulatory control program pertaining to the withdrawal and use of ground waters consisting of commingled artificially stored ground waters and public waters located in areas, subareas, and zones designated pursuant to RCW 90.44.130. The permit system established in this chapter relates only to the withdrawal and use of artificially stored ground waters of such ground waters. [Order 74-36, § 173-136-010, filed 1/9/75.]

WAC 173-136-020 Definitions——This chapter. Definitions. For purposes of this chapter the following definitions shall apply. (It is noted that the (2) and (6) hereof are not intended to be identical with definitions contained in RCW 90.44.035.)

(1) "Area, subarea, or zone" means a ground-water area, subarea, or zone designated by the department of ecology pursuant to paragraph (3) of RCW 90.44.130, which contains commingled artificially stored and public ground waters.

(2) "Artificially stored ground waters" mean water beneath the land surface within an area, subarea, or zone(s) which are the subject of a declaration accepted by the department of ecology pursuant to paragraph (6) of RCW 90.44.130.

(3) "Department" means the department of ecology.

(4) "Ground waters" means all waters beneath the land surface of an area, subarea, or zone.

(5) "Person" means individual, public, or private corporation, municipality, county, partnership, association, federal, or state agency or body, or any other entity whatsoever.

(6) "Public ground waters" means all ground waters within an area, subarea, or zone other than artificially

stored ground waters. [Order 74–36, § 173–136–020, filed 1/9/75.]

WAC 173–136–030 Permit to withdraw. No person, unless expressly exempted by a specific management regulation of the department adopted for an area or subarea, may withdraw any artificially stored ground waters for beneficial use from any area, subarea, or zone without first obtaining a permit from the department of ecology as hereinafter provided. An application for a permit shall be submitted on a form provided by the department. The application shall contain the following information:

(1) Name

(2) Address

(3) Point of withdrawal

(4) Place of use

(5) Purpose of use

(6) Time of use

(6a) Amounts of withdrawal, including both maximum rate and the total volume each calendar year

(7) The area, subarea, and zone from which the waters are to be withdrawn. [Order 74–36, § 173–136–030, filed 1/9/75.]

WAC 173–136–040 Criteria for ruling upon application for permits. (1) The criteria for ruling on an application for a permit are as follows. An application shall be approved if:

(a) Artificially stored waters are available for withdrawal; and

(b) The public interest will not be detrimentally affected; and

(c) Rights to withdraw public water will not be impaired; and

(d) The interests of the holder emodied in a declaration accepted by the department pursuant to paragraph (6) of RCW 90.44.130 will not be impaired.

(e) The withdrawal and use proposed in the application can be performed consistent with the provision of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific groundwater area, subarea, or zone to which the application relates.

(2) Prior to issuance of a permit to withdraw artificially stored ground water, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130. [Order 74–36, § 173–136–040, filed 1/9/75.]

WAC 173–136–050 Public notice of application and public hearings——When required. (1) Public notices of applications filed with the department shall be required by the department only when it appears to the department that the public interest will be served. When a notice is required the applicant shall be responsible for its publication in a form, manner, and frequency as determined by the department unless otherwise specified.

(2) Public hearings on such applications shall be required by the department only when it appears to the department that the public interest will be served. [Order 74–36, § 173–136–050, filed 1/9/75.]

WAC 173–136–060 Permits——Priorities and conditions of right of withdrawal. Every permit issued pursuant to this chapter shall be:

(1) Conditioned to insure the protection of public interest and values and of the rights of withdrawal and use established in public waters and artificially stored ground waters both prior and subsequent to the issuance of such a permit.

(2) Conditioned to comply with the provisions of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground–water area, subarea, or zone to which the application relates.

(3) Conditioned to provide for inspection, monitoring, entry, and reporting of data by or to the department and the holder of an accepted declaration as required by the department.

(4) Conditioned to provide that a permit shall be subject to termination or modification for failure to comply with any agreement, approved by the department, between the permittee and the holder of a declaration accepted by the department of ecology pursuant to RCW 90.44.130.

(5) Subject to termination or modification, through issuance of supplemental orders of the department, for good cause, including but not limited to:

(a) Violation of a permit condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) The receipt of new facts or information dictate the same. [Order 74–36, § 173–136–060, filed 1/9/75.]

WAC 173–136–070 Permits do not establish or embody water rights. Permits issued pursuant to this chapter do not establish or embody water rights as provided in RCW 90.44.050 and RCW 90.44.060. [Order 74–36, § 173–136–070, filed 1/9/75.]

WAC 173–136–080 Permits shall be transmitted to the holder of a declaration. A copy of each permit issued by the department under this chapter shall be transmitted, at the time of issuance, to the holder of a declaration accepted by the department pursuant to RCW 90.44.130 pertaining to artificially stored ground water. [Order 74–36, § 173–136–080, filed 1/9/75.]

WAC 173–136–090 Failure to obtain permit——Unlawful. Failure to comply with the provisions of this chapter, including failure to obtain a permit as required herein and violation of a condition of such a permit, shall constitute a basis for the imposition of civil and criminal sanctions contained in applicable state statutes. [Order 74–36, § 173–136–090, filed 1/9/75.]

WAC 173–136–100 Review before the pollution control hearings board. Rulings on permits and other orders and decisions related to this chapter shall be subject to review before the pollution control hearings board in accordance with chapter 43.21B RCW. [Order 74–36, § 173–136–100, filed 1/9/75.]

Chapter 173-142 WAC
DELEGATION OF PERMIT PROGRAM UNDER STATE FLOOD CONTROL ZONE ACT

WAC

173-142-010 Authority.
173-142-020 Purpose.
173-142-030 Definitions.
173-142-040 Scope of delegation.
173-142-050 Conformity with department rules.
173-142-060 Subdelegation.
173-142-070 Requests for delegation.
173-142-080 Procedure for delegation.
173-142-090 Withdrawal of delegation.
173-142-100 Permits under delegated programs.
173-142-110 Appeals.

WAC 173-142-010 Authority. By section 1, chapter 75, Laws of 1973, the legislature enacted RCW 86.16-.085, permitting the department of ecology, when requested by the governing body of any county, city or town, to delegate to such body the authority to administer the permit program established by RCW 86.16.080 for a flood control zone or portions thereof within its jurisdiction, if the department determines the requestor has:

(1) the resources, expertise, and capability to administer such a program, and

(2) indicated an intention to administer the program in accordance with the state flood control zone act and the general guidelines contained in rules adopted by the department pertaining to flood control zones. [Order DE 74-11, § 173-142-010, filed 6/17/74.]

WAC 173-142-020 Purpose. The purpose of this chapter is to set forth procedures and criteria for the delegation of the permit program of RCW 86.16.080 to the governing bodies of counties, cities or towns. [Order DE 74-11, § 173-142-020, filed 6/17/74.]

WAC 173-142-030 Definitions. As used in this chapter:

(1) "Department" shall mean the department of ecology;

(2) "Director" shall mean director of the department of ecology;

(3) "Flood Control Zone" shall mean any zone established and delineated by the department or any of its predecessor agencies pursuant to the state flood control zone act, chapter 86.16 RCW;

(4) "Permit program" shall mean the granting or denial of approvals to construct, reconstruct, modify, operate or maintain any structures or works affecting flood waters within any flood control zone as required by RCW 86.16.080 and as more specifically governed by rules issued thereunder; and

(5) "Requestor" shall mean the governing body of any county or any incorporated city or town which submits to the department a request for delegation of authority to administer the permit program established by RCW 86.16.080 within its area of jurisdiction. [Order DE 74-11, § 173-142-030, filed 6/17/74.]

WAC 173-142-040 Scope of delegation. (1) Authority delegated hereunder shall be limited to the administration of the permit program within established flood control zones or portions thereof identified in the requestor's approved implementing ordinance. No extension of the geographic coverage of delegated authority, such as might be sought upon the creation of a new flood control zone, shall be conferred, except upon a separate request therefor and by a separate approval following the procedures of this chapter.

(2) Delegations to counties hereunder shall extend to all unincorporated areas with flood control zones identified in the implementing ordinance. Counties may, in addition, be delegated authority to administer the permit program in portions of flood control zones within the boundaries of incorporated cities and towns, but such authority shall be so delegated only where the county and the incorporated city or town have entered into a memorandum of agreement, or other appropriate document, evidencing the consent of the governing body of the city or town to the county's exercise of such authority within municipal corporation boundaries.

(3) The department shall continue to administer the permit program directly in all areas within any flood control zone not specifically identified in an approved implementing ordinance. No delegation made hereunder shall be construed as limiting or abridging the powers conferred on the department under chapter 86.16 RCW in any area. [Order DE 74-11, § 173-142-040, filed 6/17/74.]

WAC 173-142-050 Conformity with department rules. (1) It is contemplated that various requestors may present to the department differing regulatory criteria designed to deal with particular local needs and conditions. For the purposes of determining whether a requestor intends to administer the permit program in accordance with the applicable state rules pertaining to flood control zones, the department will evaluate proposed regulatory criteria on the basis of whether such criteria, if implemented, would be as least as stringent as the requirements and restrictions set forth in the state rules.

(2) All approved implementing ordinances shall contain a proviso requiring that the permit program as administered by any county or any incorporated city or town be revised, as necessary and to the satisfaction of the department, to conform with any changes in state rules pertaining to flood control zones which may be adopted by the department subsequent to the effective date of the delegation.

(3) All amendments of approved implementing ordinances shall be submitted for information purposes to the department. [Order DE 74-11, § 173-142-050, filed 6/17/74.]

WAC 173-142-060 Subdelegation. A delegation hereunder shall be made to the governing body of a county or incorporated city or town. However, it is contemplated that administration of the permit program may, in keeping with local procedures, be subdelegated

in some cases to an appropriate office, division or department of local government under such governing body. Any such subdelegation shall be identified in the implementing ordinance. [Order DE 74–11, § 173–142–060, filed 6/17/74.]

WAC 173–142–070 Requests for delegation. No particular form shall be required for requests for delegation hereunder. No request shall be approved, however, unless the requestor supplies to the department:

(1) A statement of the requestor's intention to administer the permit program in accordance with the state flood control zone act and the general guidelines contained in state rules pertaining to flood control zones, as now or hereafter amended;

(2) The regulatory criteria the requestor intends to use in administering the permit program;

(3) A precise description of the geographic area to which the request relates. If the request is from a county desiring to administer the permit program within the boundaries of any incorporated city or town, memoranda of agreement or other appropriate documents, evidencing the consent of the governing body of such city or town shall be appended;

(4) An estimate of the financial resources the requestor will commit to the permit program on an annual basis;

(5) A commitment showing the number of personnel who will be assigned to the permit program, either full–time or part–time, broken down by person–years or person–hours or other appropriate measure of personnel usage;

(6) A description of the background, experience and/or proposed training for personnel to be assigned to the permit program;

(7) If applicable, a description of the office, division or department to which the permit program will be subdelegated;

(8) An outline of the procedures to be used in processing individual permit applications;

(9) A description of enforcement and inspection procedures to be employed; and

(10) Any additional information required by the department. [Order DE 74–11, § 173–142–070, filed 6/17/74.]

WAC 173–142–080 Procedure for delegation. (1) Upon receipt of any request for delegation, the department shall review the same and, if necessary, require additional information to make a determination thereon.

(2) Upon notification by the department that all information required by it has been received, the requestor shall publish notice of the request in a newspaper of general circulation in the area to which the request relates, providing thirty days for written comment on the request. The notice shall be in a form provided by the department. In addition to the publication thereof, a copy of such notice shall be mailed to each general purpose local government, all or a portion of which lies in any flood control zone to which the request relates, and to the appropriate regional offices of the U.S. army corps of engineers and U.S. department of housing and urban development.

(3) After review of all comments timely made in response to the notice provided for above, the department shall either deny the request, giving its reasons for such denial, or issue a tentative approval of the same in whole or in part. Any such tentative approval shall contain conditions of approval which the department intends to impose.

(4) Upon receipt of a tentative approval, the requestor shall submit to the department a proposed implementing ordinance, as a minimum containing in its text, or by reference to other detailed ordinances or documents, the regulatory criteria of the delegated permit program, a description of the geographic area to which the delegated permit program applies, identification of the office, division or department to which the permit program is subdelegated and a description of the procedures to be used in processing permit applications. The department shall review such proposed ordinance and approve the same in such form as it deems appropriate.

(5) Upon approval of an implementing ordinance, the director shall issue an order of delegation to the requestor accompanied by the implementing ordinance in the form approved. Such order shall be conditioned to take effect upon the effective date of the implementing ordinance after adoption by the requestor in the form approved.

(6) Whenever any order of delegation made hereunder takes effect, the department shall transfer to the delegatee all pending applications which related to the permit program in the area to which the delegation relates. [Order DE 74–11, § 173–142–080, filed 6/17/74.]

WAC 173–142–090 Withdrawal of delegation. Whenever the department determines, after a public hearing, that a county or incorporated city or town to which a delegation has been made hereunder is not administering the permit program in accordance with the state flood control zone act, the applicable state rules or the applicable implementing ordinance, the department shall notify said local government and, if corrective action is not taken within a reasonable time, not to exceed ninety (90) days, the department, by order, shall withdraw the delegation. [Order DE 74–11, § 173–142–090, filed 6/17/74.]

WAC 173–142–100 Permits under delegated programs. (1) The department shall provide permit forms to local governments delegated authority hereunder: *Provided*, That any delegatee may use its own permit forms when the same have been approved by the department.

(2) The department shall be furnished with a copy of each permit issued under a delegated program immediately upon issuance of the permit: *Provided*, That the department may waive this requirement in its entirety or by category of structure or works. [Order DE 74–11, § 173–142–100, filed 6/17/74.]

WAC 173–142–110 Appeals. Any person aggrieved by a ruling on an application for a permit under a delegated program may obtain review thereof by filing an

appeal, within thirty (30) days, with the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. [Order DE 74-11, § 173-142-110, filed 6/17/74.]

Chapter 173-160 WAC
MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WATER WELLS

WAC

173-160-010 Purpose.
173-160-020 General.
173-160-030 Definitions.
173-160-040 Permit.
173-160-050 Records.
173-160-060 Location of well site and access requirements.
173-160-070 Design and construction.
173-160-080 Design and construction——Casing.
173-160-090 Design and construction——Well completion——General.
173-160-100 Design and construction——Sealing materials.
173-160-110 Design and construction——Sealing of casing——General.
173-160-120 Design and construction——Sealing of consolidated formations.
173-160-130 Sealing of unconsolidated formations without significant clay beds.
173-160-140 Sealing of unconsolidated formations with clay beds.
173-160-150 Special sealing standards for artesian wells.
173-160-160 Artificial gravel-packed wells——General.
173-160-170 Sealing of artificial gravel-packed wells.
173-160-180 Sealing of dug wells.
173-160-190 Special standards for driven or jetted wells.
173-160-200 Upper terminal of well.
173-160-210 Capping.
173-160-220 Testing of well.
173-160-230 Testing of well——Access port or pressure gage.
173-160-240 Disinfection.
173-160-250 Quality of drilling water.
173-160-260 Pump installation.
173-160-270 Explosives.
173-160-280 Chemical conditioning.
173-160-290 Abandonment or destruction of wells.
173-160-300 Abandonment or destruction of wells——Abandonment or destruction of drilled or jetted wells.
173-160-310 Abandonment or destruction of wells——Abandonment or destruction of gravel-packed wells.
173-160-320 Abandonment or destruction of wells——Abandonment or destruction of artesian wells.
173-160-330 Abandonment or destruction of wells——Abandonment or destruction of dug wells.
173-160-340 Abandonment or destruction of wells——Plugging of test wells.
173-160-350 Artificial recharge of ground water bodies.
173-160-360 Special exemptions.
173-160-370 Relationship to other authorities.
173-160-380 Comparable construction standards.

WAC 173-160-010 Purpose. These regulations are adopted pursuant to chapter 18.104 RCW, in order to establish minimum standards for the construction of all water wells in the State of Washington. [Order 73-6, § 173-160-010, filed 4/30/73.]

WAC 173-160-020 General. The following general standards shall apply to all water wells constructed in the State of Washington. These standards are minimum standards which must be adhered to in the construction of all wells. It is the responsibility of the water well contractor and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground-water resources. (1) It will be necessary in some cases to construct wells with additional requirements beyond the minimum standards.

(2) When strict compliance with these regulations appears to be impractical, the well contractor or driller shall make application to the department for approval of comparable alternative specifications prior to the work being done. [Order 73-6, § 173-160-020, filed 4/30/73.]

WAC 173-160-030 Definitions. As used in this chapter:

(1) "Abandoned well" is a water well which has been filled or plugged so that it is rendered unproductive. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water-bearing zones.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which has access to the inner casing, which will allow measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the drilled hole and the inner casing.

(4) "Aquifer" is any geologic formation that will yield water to a well in sufficient quantity for beneficial use.

(5) "Artesian well" is a well tapping an aquifer in which the water is confined under pressure so that the water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a term used to describe gravel placed in the annular space around the well casing. A gravel pack is frequently used to prevent the movement of finer material into the well casing, to increase the ability of the well to yield water and to lend lateral support to screens in unstable formations.

(7) "Artificial recharge" is the practice of increasing by artificial means the amount of water that enters a ground water basin.

(8) "Capped well" is a well that is not in use and has a permanent seal or locked cap installed on top of the casing.

(9) "Casing" is a pipe, generally of metal, which is installed in the well hole to maintain the opening and to provide protection of the ground waters from waste and contamination.

(10) "Curbing" is a liner or pipe made of concrete, precast tile or steel used in dug wells to provide a space between the well bore and the liner for sealing.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and coherent through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. These deposits will normally stand at the edges of a drill hole without caving.

(12) "Contamination" is an impairment of natural ground-water quality by organisms, chemical, organic and radioactive material or by the introduction of heated or cooled water where temperatures are so affected as to

lower the water quality to a degree which creates a potential hazard to public health.

(13) "Department" means the department of ecology.

(14) "Disinfection" is the introduction of chlorine, or other disinfecting agent approved by the department, in a sufficient concentration and followed by an adequate contact time so as to inactivate coliform or other indicator organisms.

(15) "Domestic water supply" is any water supply system intended or used for human consumption or other use serving one single family residence.

(16) "Drawdown" in a well means the extent of lowering of the water level when pumping is in progress or when water is discharging from a flowing well. Drawdown is the difference, measured in feet, between the static water level and the pumping level.

(17) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary or cable tool rigs.

(18) "Driven well" is a well constructed by joining a "drive point" with a length of pipe, extended as may be necessary and driving the assembly into the ground.

(19) "Dug well" is a well in which the hole is often excavated by hand tools, and which is usually at a shallower depth and larger diameter than drilled wells.

(20) "Grout" is a cementing agent, such as portland cement, used for sealing water wells during construction or destruction.

(21) "Impermeable" is a descriptive term for a rock material which has a texture or structure that does not permit water to perceptibly move into or through its pores or interstices.

(22) "Operator" means any person who is employed by a water well contractor or who is self–employed as a contractor–operator for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(23) "Permeable" is a descriptive term for describing a rock material which has a texture or structure that permits water to move through it. The degree of permeability depends upon the size and shape of the pores or other openings and their interconnections.

(24) "Pressure grouting" is a method of forcing grout by means of adequate pressure into specific portions of a well for sealing purposes.

(25) "Public water supply" is any system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, but excluding water supplies serving one single family residence.

(26) "Puddling clay" is a form of bentonite in combination with other natural materials that act naturally to seal out or retard the movement of water. Composition is such that the bentonite fraction is 50% with the remaining portion not exceeding the size of coarse sand.

(27) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when no water is being taken from the aquifer either by pumping or by free flow.

(28) "Test well" is an exploratory hole, either cased or uncased, usually of small diameter constructed for the purpose of locating depth to water in each aquifer, determining the quality and quantity of water, identifying underlying rock formations (lithology), and locating of optimum sections to be screened or perforated.

(29) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly indurated earth materials including such materials as uncompacted sand, silt and gravel.

(30) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of ground water. "Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas or other products.

(31) "Well driller" is synonymous with "operator."

(32) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting or auguring machine used in the construction of a water well. [Order 73–6, § 173–160–030, filed 4/30/73.]

WAC 173–160–040 Permit. As provided RCW 90-.44.050, no wells shall be constructed if a withdrawal of more than 5,000 gallons a day is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted. [Order 73–6, § 173–160–040, filed 4/30/73.]

WAC 173–160–050 Records. (1) Every water well contractor, within 30 days after completion of a well, is required to submit a complete record on the construction or alteration of the well to the department. This shall apply to all water wells, regardless of size or ownership.

(2) The well record shall be made on a form provided by the department and include the following information, where applicable, as a minimum: Location of well by smallest legal subdivision; intended use of well; the depth, diameter, and general specifications of each well; the thickness in feet and character of each bed, stratum or formation penetrated by each well; the length and position in feet below land surface; and the commercial specifications of all casing, also of each screen or perforated zone in the casing; the tested capacity of each well in gallons per minute; for each nonflowing well, the depth to the static water level, as measured in feet below the land surface, and also the drawdown of the water level in feet at the end of the well capacity test; for each flowing well, the shut–in pressure measured in feet above the land surface, or in pounds per square inch at the land surface, and such additional factual information as reasonably may be required by the department. [Order 73–6, § 173–160–050, filed 4/30/73.]

WAC 173–160–060 Location of well site and access requirements. The proposed well should be located on high ground consistent with the general terrain. It shall be protected from normal flooding and from any surface

and subsurface drainage capable of impairing the quality of the ground-water supply. The well shall, where practical, be located upslope from possible sources of contamination, and due consideration shall be given to porosity and permeability of the soil, local ground-water conditions and end use of the well.

When a well is located adjacent to a building, it shall be so situated such that the centerline of the well extended vertically will clear any projection from the building by not less than five (5) feet.

After construction, the water well contractor or operator should strongly emphasize, to the well owner, the importance of retaining a good accessibility to the well to permit future inspection and maintenance.

(1) **Public Water Supply Wells.** Before construction begins, site approval must be obtained from the department of social and health services, water supply and waste unit, and the requirements of the state board of health regulation regarding public water supplies (WAC 248-54-290, 248-54-300 and 248-54-350) shall apply. These sections include requirement for zone of protection, location of the well, accessibility requirements, and certain construction requirements.

(2) **Individual Domestic, Irrigation, Industrial and Other Wells.** Wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations as appropriate. In general, wells shall be located at least 50 feet, and preferably 100 feet from a sewer, septic tank or privy. [Order 73-6, § 173-160-060, filed 4/30/73.]

WAC 173-160-070 Design and construction. Every well shall be planned and constructed so that it is: (1) Adapted to the geologic and ground-water conditions existing at the site of the well to insure full utilization of every natural protection afforded thereby.

(2) Designed to facilitate such supplementary construction as may be required to provide a sufficient and safe water supply where obtainable and to conserve ground water.

(3) Capable of yielding, where obtainable, the quantity of water required to satisfy the requirements which the user has stated are necessary and for which well water is intended to be used. [Order 73-6, § 173-160-070, filed 4/30/73.]

WAC 173-160-080 Design and construction——Casing. Proper casing shall be installed in all water wells. The casing shall be designed to withstand the normal forces which may act upon it during and after installation. It shall be resistant to the corrosive effects of enclosing rocks, earth and water. Unless prior approval is obtained from the department, materials for well casings shall be as specified hereunder: (1) Minimum specifications for steel casing and pipe for driven wells are contained in the following table:

TABLE 1

Nominal Size (inches)	Outside Diameter (inches)	Wall Thickness (inches)	Weight Per Foot (pounds)
1 1/2	1.900	0.145	2.72
2	2.375	0.154	3.65
2 1/2	2.875	0.203	5.79
3	3.500	0.216	7.58
3 1/2	4.000	0.226	9.11
4	4.500	0.237	10.79
6	6.625	0.250	17.02
8	8.625	0.250	22.36
10	10.750	0.250	28.04
12	12.750	0.250	33.38
14	14.000	0.312	45.61
16	16.000	0.344	62.85
18	18.000	0.375	70.59
20	20.000	0.375	78.60

All casings greater than a nominal size of 20 inches shall have a minimum wall thickness of .375 inches.

Suitable casings shall be new or, in like-new condition, if only previous contact has been with water, and be free of pits and breaks. When casing lengths are joined together, they shall be connected by welded or screw coupled joints which fit and are water tight. Welded joints shall be at least as thick as the wall thickness of the well casing and be fully penetrating.

(2) Plastic casing shall meet all the requirements defined by the national sanitation foundation for plastic well casing.

(3) Liner pipe installed for sealing off unused aquifers, caving or fractured formations and installed without driving, shall have a minimum thickness of .188 inches and conform to the quality standards for steel casing above.

(4) Poured concrete casing shall: (a) consist of clean, hard and durable aggregate with not less than 5 sacks of portland cement per cubic yard of concrete. The maximum diameter of aggregate particles shall not exceed 1 1/2 inches, but in any case shall not exceed 1/5 the minimum width of the casing thickness. The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) shall be approximately 1 1/2 to 1 by volume, but in any case, shall not exceed 2 to 1 nor be less than 1 to 2.

(b) Be at least 6 inches thick so placed as to be free of voids. The walls shall be poured in one continuous operation. [Order 73-6, § 173-160-080, filed 4/30/73.]

WAC 173-160-090 Design and construction——Well completion——General. The well may be completed with screens, perforated liners or pipe, or open bottom; these shall be of sufficient strength to withstand the forces to which they are subjected during and after construction. It is the responsibility of the well driller or designer to instruct the owner or his representative as to the most appropriate method of completion. Wells shall be completed in a manner which prevents the production of inordinate amounts of sand or turbid water.

(1) **Standard Open Bottom Completion.** Open bottom completion shall be considered appropriate only where the withdrawn waters are essentially free of sand, silt and turbidity.

(2) **Perforated Pipe Completion.** Perforated pipe completion shall be considered suitable only for a coarse–grained, permeable aquifer where the withdrawn waters are free of excessive sand, silt or turbidity.

Perforations above the static water level shall not be permitted. Wells may be completed with perforations as follows:

(a) In–place perforations with Star, Mills knife, or similar type perforators.

(b) Perforated pipe liners, either torch–cut, mill–slotted or punched. Such liners may be of steel, plastic or other suitable corrosion–resistant material, but if other than steel, a full evaluation of the structural stability of the liner must be made prior to its placement. They may be used in a natural development or gravel–packed type of construction. Where appropriate, the top of the liner shall be fitted with neoprene or lead packers or grout sealed to the well casing. The bottom of the liner shall be fitted with a suitable closure. *The use of pre–perforated casing for working casing as the hole is being drilled is prohibited*, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the pre–perforated casing in all respects for the specific well being constructed.

(3) **Well Screens.** Well screens (and well points) shall be constructed of one type of corrosion–resistant material. Where appropriate, suitable neoprene or lead packers or grout seal shall be fitted to the top of the well screen assembly. The bottom of well screens shall be fitted with a suitable closure. [Order 73–6, § 173–160–090, filed 4/30/73.]

WAC 173–160–100 Design and construction—— Sealing materials. Puddling clay shall consist of any stable, fine–grained, impervious material with at least 50% bentonite with the maximum size of the remaining portion not exceeding that of coarse sand (.5 mm – .1 mm), which is capable of providing a water tight seal between the casing and formation throughout the depth required to protect against objectionable matter and which is reasonably free of shrinkage. Cement grout (neat cement) shall consist of either portland cement or quick setting cement mixed with not more than six gallons of water per sack of cement. Up to 5% bentonite clay, by weight, may be added to improve flow qualities and compensate for shrinkage. [Order 73–6, § 173–160–100, filed 4/30/73.]

WAC 173–160–110 Design and construction—— Sealing of casing——General. In developing, redeveloping or conditioning a well, care shall be taken to preserve the natural barriers to ground–water movement between aquifers and to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water. All sealing should be permanent and shall prevent possible downward movement of surface waters in the annular space around the well casing. Sealing shall also be accomplished to prevent the upward movement of artesian waters within the annular space around the well casing that could result in the waste of ground water. The sealing shall also restrict the movement of ground water either upward or downward from zones that have been cased out of the well because of poor quality. When cement grout is used in sealing, it shall be set in place 72 hours before additional drilling takes place, unless special additives are mixed with the grout that will cause it to adequately set in a shorter period of time. All grouting shall be performed by adding the mixture from the bottom of the space to be grouted toward the surface in one continuous operation. The minimum grout thickness shall be one (1) inch.

When casing diameter is reduced, a minimum of 8 feet of overlap shall be required and the bottom of the annular space between the casings shall be sealed with suitable packer; the remainder of the annular space will be pressure grouted with bentonite or neat cement. [Order 73–6, § 173–160–110, filed 4/30/73.]

WAC 173–160–120 Design and construction—— Sealing of consolidated formations. In drilled wells that penetrate an aquifer either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures. (1) An upper drill hole at least 4 inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface to at least 5 feet into sound, uncreviced, consolidated rock, but in no instance shall said upper drill hole extend less than 18 feet below land surface.

Unperforated permanent casing shall be installed to extend to this same depth and the lower part of the casing shall be sealed into the rock formation with cement grout. The remainder of the annular space to land surface shall be filled with cement grout or puddling clay (see Figure 1A at the end of this chapter).

If cement grout is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole need only be a minimum of 2 inches larger than the outside diameter of the permanent casing.

(2) An upper drill hole at least 4 inches greater in diameter than the nominal size of the permanent casing shall extend from land surface to a depth of at least 18 feet. An unperforated permanent casing shall be installed so that it extends at least 5 feet into sound, uncreviced, rock formation.

Throughout the driving of the well casing to the rock formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one–half full with bentonite slurry.

The annular space between the rock formation and the permanent casing shall be tightly sealed with cement grout. The remainder of the annular space to land surface shall then be filled with cement grout or puddling clay (see Figure 1B at the end of this chapter).

(3) If temporary surface casing is used in either of the above procedures (1) or (2), this casing shall be of sufficient diameter to conform to the upper drill hole specifications. Withdrawal of the temporary casing shall take place simultaneously with proper sealing of the annular

space to land surface. [Order 73-6, § 173-160-120, filed 4/30/73.]

WAC 173-160-130 Sealing of unconsolidated formations without significant clay beds. In drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds, an unperforated well casing shall extend to at least 1 foot below the water table. An upper drill hole having a diameter at least 4 inches greater than the nominal size of the permanent casing shall extend to at least 18 feet below land surface.

The annular space between the upper drill hole and the well casing shall be kept at least one-half full with bentonite slurry throughout the driving of the permanent casing into the aquifer. After the permanent casing is set in its final position, the remaining annular space shall be filled to land surface with cement grout or puddling clay (see Figure 2A at the end of this chapter).

If the oversized drill hole is extended to the same depth as the permanent casing, a suitable packer shall be installed between the casing and the drill hole at a position directly above the production aquifer. The remaining annular space shall be completely filled and sealed to land surface with cement grout or puddling clay (see Figure 2B at the end of this chapter).

If temporary casing is used to maintain the oversized drill hole, the annular space shall be kept full with cement grout or puddling clay as the temporary casing is being withdrawn.

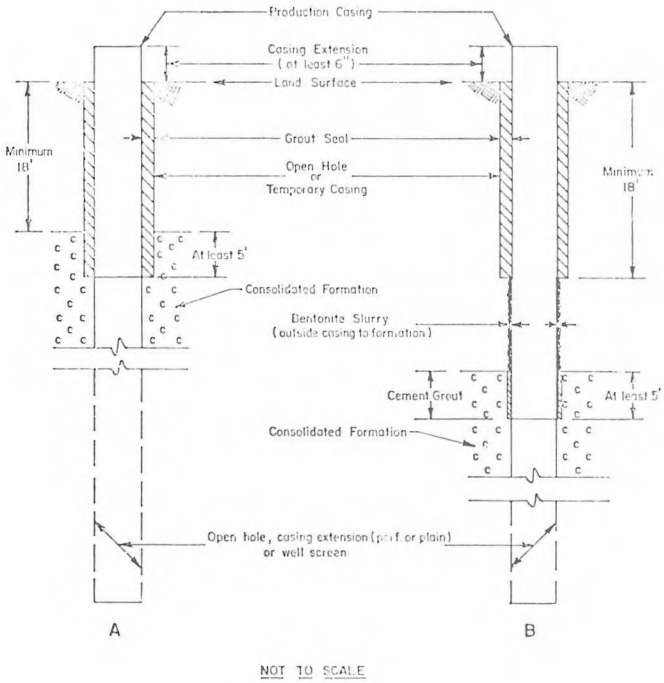


Figure 1. SEALING OF CONSOLIDATED FORMATIONS

[Order 73-6, § 173-160-130, filed 4/30/73.]

WAC 173-160-140 Sealing of unconsolidated formations with clay beds. In drilled wells that penetrate an aquifer overlain by clay or other unconsolidated deposits such as sand and gravel in which significant (at least 6 feet thick) interbeds of clay are present, the well casing may be terminated in such clay strata, provided that the casing be sealed in substantially the same manner as is required in the case of consolidated formations (see WAC 173-160-120 and Figure 2C at the end of this chapter). [Order 73-6, § 173-160-140, filed 4/30/73.]

WAC 173-160-150 Special sealing standards for artesian wells. When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be adequately sealed into the confining stratum so as to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it shall be equipped with a control valve so that the flow can be completely stopped. The well shall be completed with seals, packers or grout that will eliminate leakage around the well casing. The driller shall not move his drilling rig from the well site until the leakage has been completely stopped unless authority for temporary removal is granted by the department. [Order 73-6, § 173-160-150, filed 4/30/73.]

WAC 173-160-160 Artificial gravel-packed wells——General. In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation will not occur. The gravel pack shall be clean, chemically stable, uniform and composed of well-rounded grains, and should be no thicker than 8 inches. All gravel and water used shall be disinfected in at least 50 ppm chlorine. [Order 73-6, § 173-160-160, filed 4/30/73.]

WAC 173-160-170 Sealing of artificial gravel-packed wells. (1) **Permanent Surface Casing Not Installed.** An upper drill hole having a diameter of at least 4 inches greater than the outside diameter of the production casing shall be drilled to extend from land surface into a clay or other formation of low permeability overlying the water-bearing zone. The annular space to this depth shall be filled with cement grout or puddling clay. If the clay or other impermeable formation is at or near land surface, the upper drill hole and unperforated production casing shall extend to a minimum depth of 18 feet below land surface, provided that the casing does not pass through the impermeable zone. A suitable packer shall be installed in the annular space between the gravel pack and cement grout seal. A gravel fill pipe may be installed for injecting gravel prior to sealing the top of the gravel pack. Special care shall be taken to insure that the seal is watertight around the injection pipe. The injection pipe shall be capped with a watertight seal or plug (see Figure 3A at the end of this chapter).

(2) **Permanent Surface Casing Installed.** When permanent surface casing is installed, the well bore shall have a diameter at least 4 inches greater than the surface casing for the introduction of sealing materials. A welded steel plate or watertight seal shall be installed at

the top of the gravel pack between the permanent surface and production casing. Sealing procedures and installation of gravel fill pipes are substantially the same as in (1) above. If a temporary casing is used to maintain the oversized drill hole, the annular space to be sealed under conditions of (1) and (2) above shall be kept full with cement grout or puddling clay as the temporary casing is withdrawn (see Figure 3B at the end of this chapter).

(3) If a clay layer or other formation of low permeability is not encountered before reaching the top of the water–bearing zone, the upper drill hole and unperforated production casing shall extend to a minimum depth of 18 feet below land surface. Sealing procedures, installation of gravel fill pipes and temporary casing are substantially the same as in (1) and (2) above.

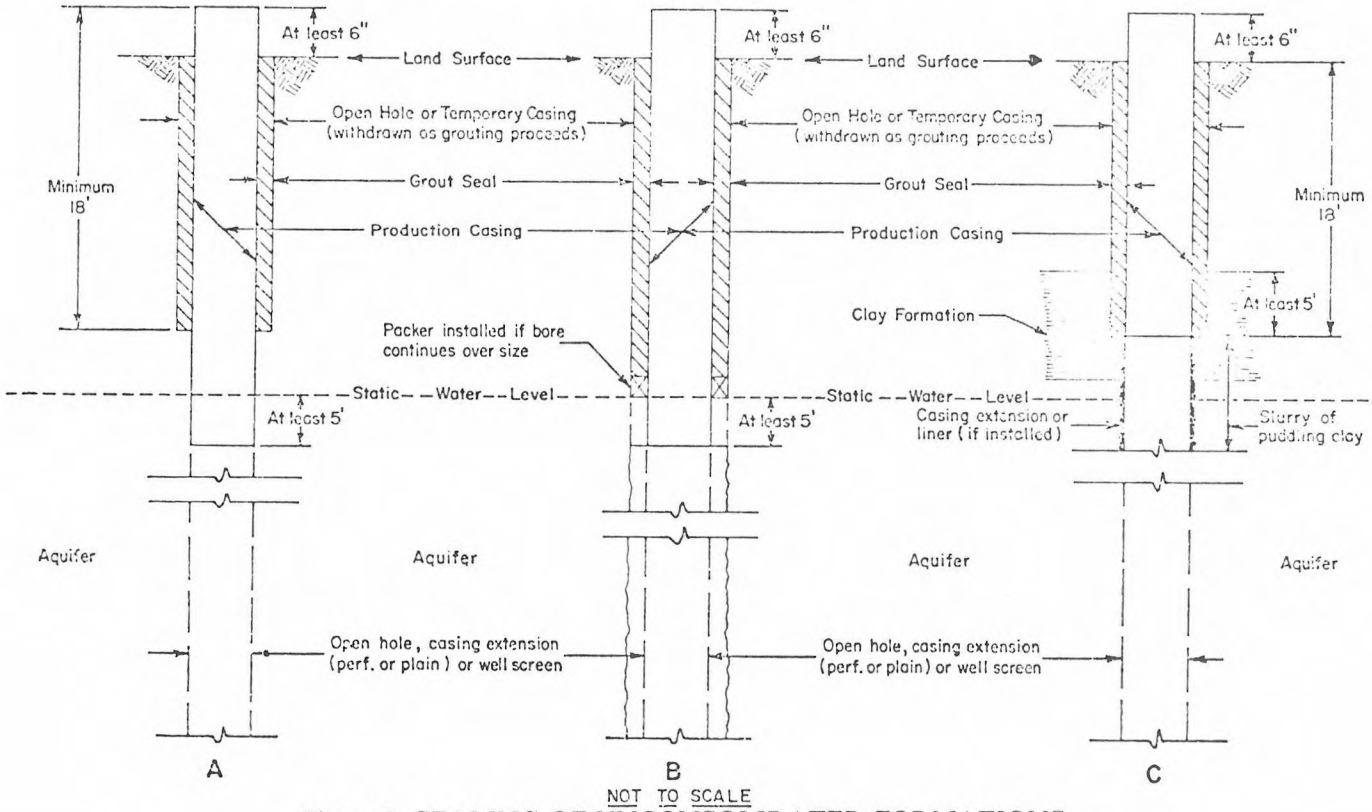


Figure 2. SEALING OF UNCONSOLIDATED FORMATIONS

[Order 73–6, § 173–160–170, filed 4/30/73.]

WAC 173–160–180 Sealing of dug wells. The surface curbing of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the concrete tile, steel pipe or liner to a depth of at least 18 feet or within 3 feet of the bottom in wells that are less than 21 feet in depth.

(1) In all dug wells, other than a buried slab type, concrete at least 6 inches thick shall be used as sealing material. If wooden cribbing is used as a retaining wall to provide for a concrete surface curbing, the cribbing shall be removed from the hole after the concrete has set.

(2) In buried slab type well construction, a steel casing shall extend at least 6 inches beyond the slab into the lower well hole; the buried slab shall be sealed with cement grout and the remaining annular space to land surface shall be filled with bentonite or puddled clay (see Figure 4 at the end of this chapter). [Order 73–6, § 173–160–180, filed 4/30/73.]

WAC 173–160–190 Special standards for driven or jetted wells. In all driven point wells, the casing shall extend at least 5 feet below the anticipated pumping level. An upper hole at least 4 inches greater in diameter than the permanent casing shall extend a minimum of 6 feet below land surface. The annular space between the upper oversized drill hole and the permanent casing shall be kept at least one–half full with bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with cement grout or puddling clay (see Figure 5 at the end of this chapter). [Order 73–6, § 173–160–190, filed 4/30/73.]

WAC 173–160–200 Upper terminal of well. The water–tight casing or curbing of any well shall extend not less than 6 inches above the established ground surface. In the case of public water supplies where the site is not subject to flooding, the pumphouse floor must be at least 1 foot above land surface, with a minimum of 6 inches of casing projecting above the floor; where the site is subject to flooding, the pumphouse floor must be at least 2 feet above the estimated water level of a 50–

year frequency flood. Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by water-tight piping to a point not less than 1 foot above the pumphouse floor or cover installed above ground surface. The terminals of these facilities shall be shielded or sealed so as to prevent entrance of foreign matter or pollutants. A subsurface connection is permitted on domestic wells if made with approved fittings or welding procedures approved by the department, provided that the connection *must be above static* water level, and the pump location must not be subject to flooding.

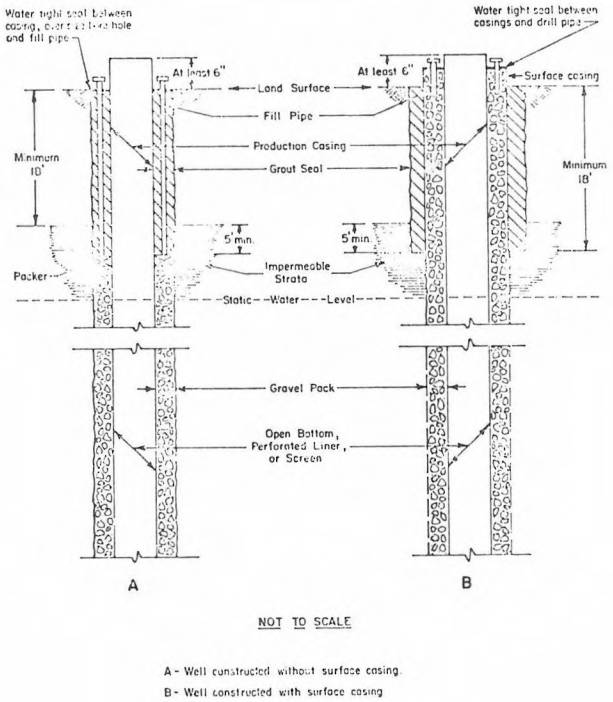


Figure 3. SEALING OF GRAVEL-PACKED WELLS

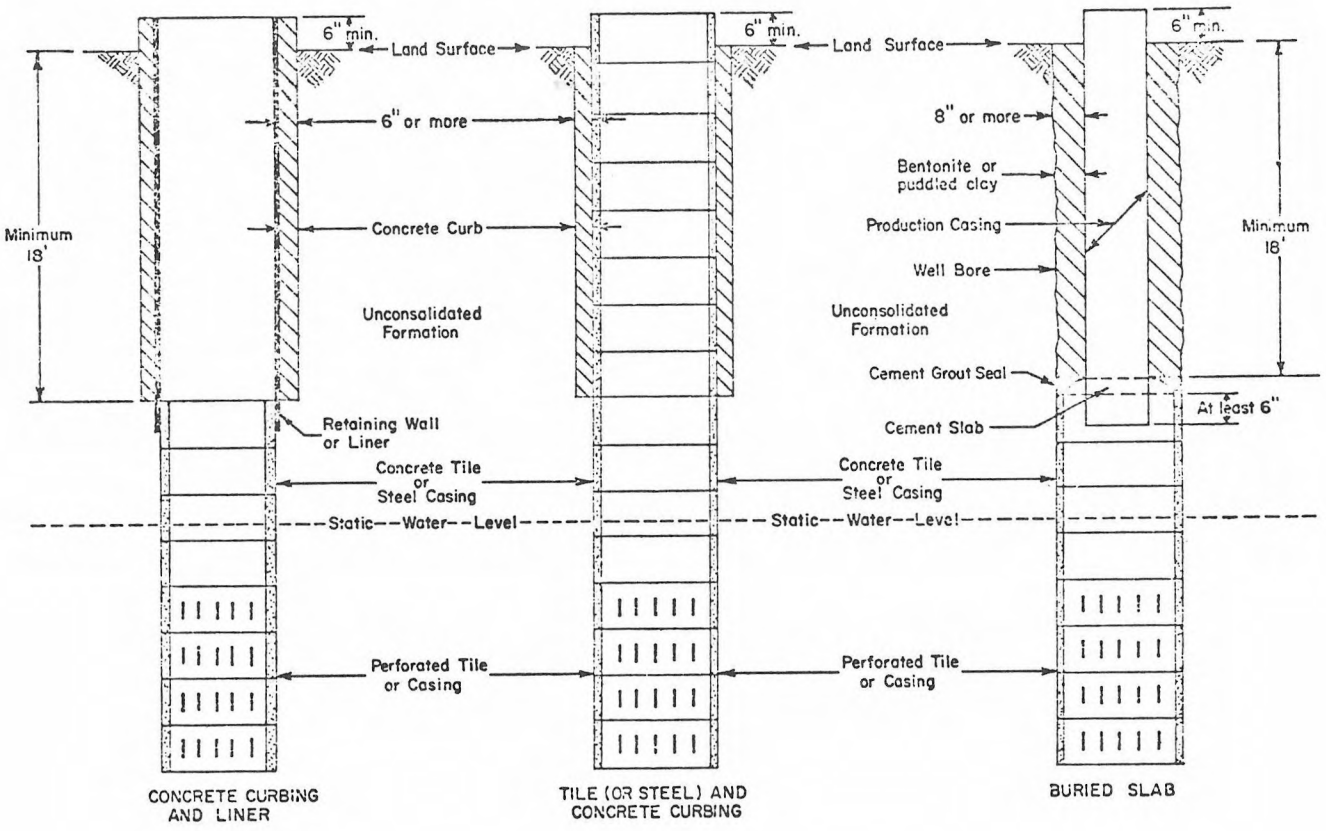


Figure 4. SEALING OF DUG WELLS

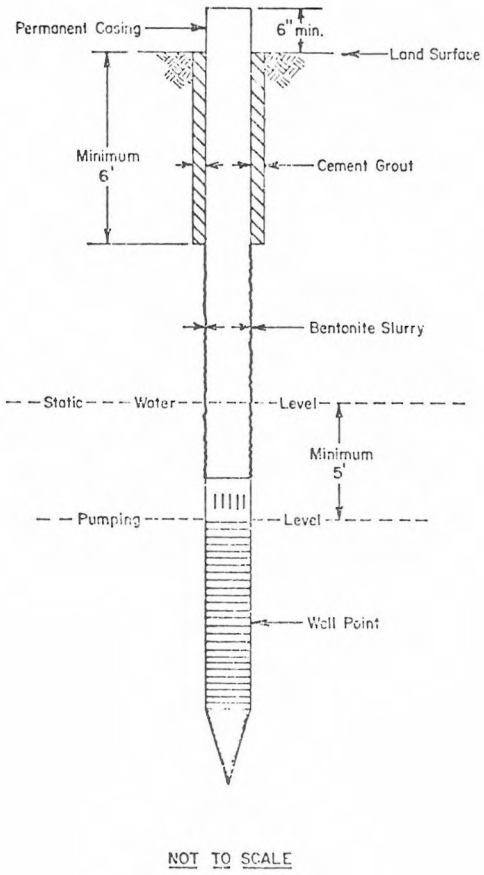


Figure 5. SEALING OF DRIVEN AND JETTED WELLS

[Order 73-6, § 173-160-200, filed 4/30/73.]

WAC 173-160-210 Capping. Temporary capping of a well until pumping equipment is installed or when the well is temporarily out of service shall be accomplished by capping, such that no pollutants can enter the well. Capping shall be affixed by tack welds or equal seal to prevent unauthorized entrance. [Order 73-6, § 173-160-210, filed 4/30/73.]

WAC 173-160-220 Testing of well. (1) **Well Authorized by Appropriation Permit.** Before being put to use, each well shall be pump tested for yield and drawdown and reports submitted as required in chapter 90.44 RCW. The test pump shall have a capacity at least equal to the pumping rate at which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously for a minimum of 4 hours or until such time that the water level has stabilized and at which time the yield and drawdown shall be determined. Periodic water level observation should be made during drawdown and subsequent recovery periods. Periods of observation shall be more frequent during the onset of drawdown and may decrease in frequency as drawdown or recovery proceeds toward stabilization. A bailer test is not an acceptable substitute for testing wells under permit.

(2) **Wells Not Requiring Appropriation Permit.** Testing of a well not requiring an appropriation permit shall be conducted for a period of not less than one hour either by bailer or with a pump. Data must be reported to the department in the water well report. [Order 73-6, § 173-160-220, filed 4/30/73.]

WAC 173-160-230 Testing of well——Access port or pressure gage. All wells shall be equipped with an access port that will allow for the measurement of the depth to water surface or a pressure gage that will indicate the shut-in pressure of an artesian well (see Figure 6 at the end of this chapter). The access ports and pressure gages or other openings in the cover shall be sealed or capped to prevent entrance of surface water or foreign material into the well. [Order 73-6, § 173-160-230, filed 4/30/73.]

WAC 173-160-240 Disinfection. (1) All tools and drilling equipment shall be thoroughly disinfected with a chlorine compound prior to beginning well construction.

(2) Every new or reconditioned well, after completion of construction or repair, and before being placed in service, shall be cleared of all foreign materials.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed wells and the well casing shall be thoroughly sluiced with clean water and be disinfected with a solution containing at least 50 ppm of chlorine.

(5) Prior to use for drinking purposes, sufficient disinfectant (chlorine compound) shall be added to the standing water in the well to give a residual of 50 ppm free chlorine. The disinfectant should then be thoroughly mixed with the water in the well and shall remain in the well for a period of at least 24 hours, after which period there shall remain a minimum of 10 ppm free chlorine residual. The well shall then be flushed to remove all traces of chlorine. If testing indicates a presence of coliform bacteria, more stringent disinfection methods may be required by the department of social and health services or local health authority.

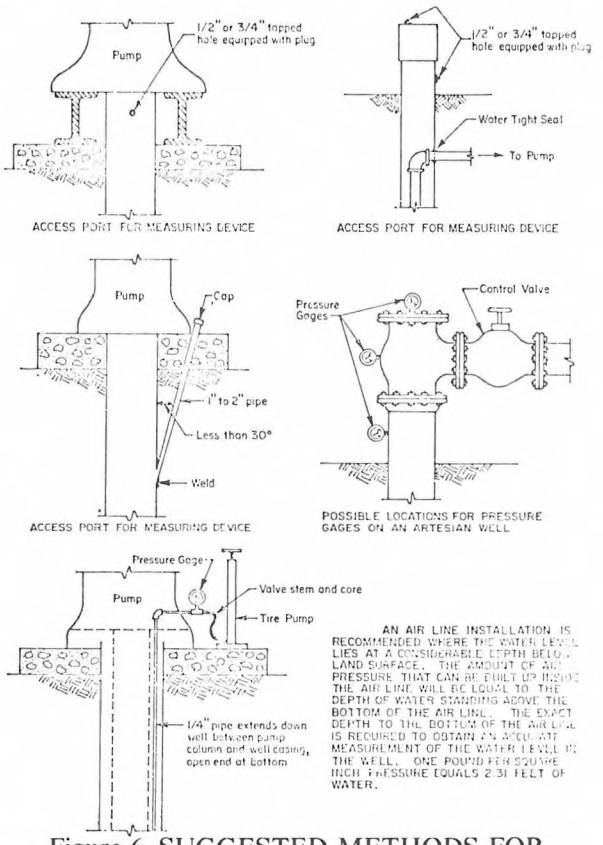


Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

[Order 73–6, § 173–160–240, filed 4/30/73.]

WAC 173–160–250 Quality of drilling water. All water introduced into a well for drilling purposes shall be obtained from a potable water source or be thoroughly disinfected to assure noncontamination of the water–bearing body. [Order 73–6, § 173–160–250, filed 4/30/73.]

WAC 173–160–260 Pump installation. All pumps and pumping equipment shall be installed in a manner consistent with the intent and goals of these regulations. [Order 73–6, § 173–160–260, filed 4/30/73.]

WAC 173–160–270 Explosives. The use of explosives in the construction, development or reconditioning of any water well shall comply with procedures developed by the department and be used under the supervision of an individual licensed under chapter 70.74 RCW. [Order 73–6, § 173–160–270, filed 4/30/73.]

WAC 173–160–280 Chemical conditioning. The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield shall comply with procedures developed by the department. [Order 73–6, § 173–160–280, filed 4/30/73.]

WAC 173–160–290 Abandonment or destruction of wells. All wells shall be abandoned in the manner consistent with the meaning and intent of these regulations. The abandonment procedure of a well must be recorded and reported as required by the department. [Order 73–6, § 173–160–290, filed 4/30/73.]

WAC 173–160–300 Abandonment or destruction of wells——Abandonment or destruction of drilled or jetted wells. A cement grout or concrete plug shall be placed opposite all perforations or openings in the well casing. The remainder of the well shall be filled with cement grout, concrete or puddled clay. [Order 73–6, § 173–160–300, filed 4/30/73.]

WAC 173–160–310 Abandonment or destruction of wells——Abandonment or destruction of gravel–packed wells. All gravel–packed wells shall be pressure–grouted throughout the perforated section of the well casing. The remainder of the well shall be filled with cement grout, concrete or puddled clay. [Order 73–6, § 173–160–310, filed 4/30/73.]

WAC 173–160–320 Abandonment or destruction of wells——Abandonment or destruction of artesian wells. A cement grout or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with cement grout or concrete. [Order 73–6, § 173–160–320, filed 4/30/73.]

WAC 173–160–330 Abandonment or destruction of wells——Abandonment or destruction of dug wells. Clean chlorinated sand shall be used to fill the bottom of the well to a point 2 feet above static water level. The remainder of the well to land surface shall be filled with clay, concrete or puddled clay. Piping of cementing materials directly to the point of application or placement by means of a dump bailer or tremie is recommended. If concrete, cement grout or neat cement, when used as a sealing material below the static water level in the well, it should be placed from the bottom up by methods that shall avoid segregation or dilution of the material. [Order 73–6, § 173–160–330, filed 4/30/73.]

WAC 173–160–340 Abandonment or destruction of wells——Plugging of test wells. Uncased wells shall be abandoned as prescribed for dug wells. In the abandonment of cased wells in which the well casing is to be removed, the well shall be plugged as the casing is withdrawn. The well shall be sealed with grout or puddled clay. [Order 73–6, § 173–160–340, filed 4/30/73.]

WAC 173–160–350 Artificial recharge of ground water bodies. Approval must be obtained from the department before starting any project related to the artificial recharge of ground water bodies. [Order 73–6, § 173–160–350, filed 4/30/73.]

WAC 173–160–360 Special exemptions. (1) Development of shallow unconfined ground water bodies for other than domestic or public water supply purposes through construction of infiltration galleries, trenches, ponds, sumps or other open–hole excavations shall be

exempted from compliance with the minimum construction standards: *Provided*, That the well contractor obtain a waiver from the department prior to construction: *Provided, further*, That the department, at its own discretion, may require special construction standards if it determines the proposed method of construction would in any manner be adverse to the public health or welfare.

(2) Open-hole excavation for dewatering purposes in construction work shall be exempted from compliance with the minimum well construction standards, but abandonment shall conform with the meaning and intent of these regulations. Cased wells constructed for either temporary or permanent dewatering purposes are not exempted; they must be constructed and abandoned or destroyed in accordance with the most appropriate minimum well construction standards. [Order 73-6, § 173-160-360, filed 4/30/73.]

WAC 173-160-370 Relationship to other authorities. Nothing in these regulations shall be construed to waive any legal requirements of other state agencies or local governmental entities relating to water well construction nor shall it preclude the adoption of more stringent minimum water well construction standards by local government. [Order 73-6, § 173-160-370, filed 4/30/73.]

WAC 173-160-380 Comparable construction standards. Nothing in these regulations shall be construed to limit the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops and/or new and comparable methods of construction become known to the department. [Order 73-6, § 173-160-380, filed 4/30/73.]

Chapter 173-162 WAC
RULES AND REGULATIONS GOVERNING THE REGULATION AND LICENSING OF WATER WELL CONTRACTORS AND OPERATORS

WAC

173-162-010 Purpose.
173-162-020 General.
173-162-030 Definitions.
173-162-040 Compliance——Requirement for licensing.
173-162-050 Exemptions.
173-162-060 License required——Qualifications for licensing.
173-162-070 Applications and fees.
173-162-080 Examinations——Time and place.
173-162-090 Examinations——Notification of examinations.
173-162-100 Examinations——Type of examinations.
173-162-110 Examinations——Conducting examinations.
173-162-120 Examinations——Notification of examination results.
173-162-130 Licenses——General.
173-162-140 Licenses——Unconditional license.
173-162-150 Licenses——Conditional license.
173-162-160 Temporary authorization.
173-162-170 Retaking examination.
173-162-180 Water well contractors——Identification numbers.
173-162-190 Water well contractors——Responsibilities.

WAC 173-162-010 Purpose. These regulations are adopted pursuant to chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of water well contractors and operators. [Order DE 73-10, § 173-162-010, filed 6/29/73.]

WAC 173-162-020 General. These regulations are applicable to all water well contractors and operators who are contracting for water well construction or constructing water wells in the State of Washington. [Order DE 73-10, § 173-162-020, filed 6/29/73.]

WAC 173-162-030 Definitions. As used in this chapter:

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, lining or well screens, whether in the installation of a new well or the alteration of an existing well.

(2) "Department" means department of ecology.

(3) "Director" means director of the department of ecology.

(4) "Examining Board" means the board composed of three members responsible for the preparation, administration and evaluation of examinations for licenses; one named by the director from the department; the second appointed by the governor, being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment; the third named by the department of social and health services by the secretary thereof (RCW 18.104.090).

(5) "Operator" means any person, other than a person exempted by RCW 18.104.180, who is employed by a water well contractor for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(6) "Water Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge or withdrawal of ground water. "Water Well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas-bearing formations, or for storing of petroleum, natural gas or other products.

(7) "Water Well Contractor" means any person, firm, partnership, co-partnership, corporation, association, or other entity engaged in the business of constructing water wells.

(8) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper construction at any and all times that water well construction equipment is being operated. [Order DE 73-10, § 173-162-030, filed 6/29/73.]

WAC 173-162-040 Compliance——Requirement for licensing. (1) A water well construction operators license is required for all operators.

(2) A water well construction operators license is required for all water well contractors as follows:

(a) Every water well contractor shall designate one official as "liaison representative" who shall have the full responsibility and authority to act as the contractor's

agent in all its dealings with the department. The "liaison representative" shall be licensed.

(b) An owner–operator who enters contracts on his own behalf is a water well contractor and must be licensed. He shall act as his own "liaison agent" in all dealings with the department.

(3) An architectural, engineering or other similar type professional consulting firm, general contractor or construction firm and highway or bridge construction firm need not have a licensed water well construction operator in its employ; provided that all water well construction associated with their various projects is conducted through a duly licensed water well contractor. [Order DE 73–10, § 173–162–040, filed 6/29/73.]

WAC 173–162–050 Exemptions. A water well construction operators license shall not be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a water well contractor in connection with the drilling of a well at the direction and under the supervision and control of a licensed operator. [Order DE 73–10, § 173–162–050, filed 6/29/73.]

WAC 173–162–060 License required——Qualifications for licensing. A person shall be qualified to receive a license if he:

(1) Has made application to the department and has paid a twenty–five dollar ($25.00) application fee.

(2) Has passed a written examination, except that a person who can establish his illiteracy to the satisfaction of the department shall be entitled to an oral examination in lieu of a written examination. [Order DE 73–10, § 173–162–060, filed 6/29/73.]

WAC 173–162–070 Applications and fees. Applications for license or renewal of license shall be submitted on forms provided by the department.

(1) An application fee of twenty–five dollars ($25.00) made payable to the department must be submitted with each application for license.

(2) A renewal fee of ten dollars ($10.00) made payable to the department must be submitted with each application for renewal of license. [Order DE 73–10, § 173–162–070, filed 6/29/73.]

WAC 173–162–080 Examinations——Time and place. Examinations shall be held at such times and places as may be determined by the department, but not later than thirty days after a completed application with appropriate fee has been received and accepted by the department; provided that in the case where an application is received after an examination has been scheduled and there is either insufficient time for the department to duly notify the applicant of the time and place of the examination or the applicant is unable to take the examination at the scheduled time, the thirty day period will start from the scheduled examination date; provided further, however, that if an examination is not taken within ninety days after the initial receipt of the application in the department, the application shall be voided and the application fee forfeited. [Order DE 73–10, § 173–162–080, filed 6/29/73.]

WAC 173–162–090 Examinations——Notification of examinations. Upon receipt of a properly completed application, the department shall notify the applicant of the date, time and place of the next scheduled examination. All incomplete application forms will be returned for completion. The applicant should notify the department if the examination schedule cannot be met and the reasons therefor. [Order DE 73–10, § 173–162–090, filed 6/29/73.]

WAC 173–162–100 Examinations——Type of examinations. The examinations shall be prepared, administered and evaluated by the examining board. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:

(1) Washington ground water laws as they relate to well construction;

(2) Sanitary standards for water well drilling and construction of water wells;

(3) Types of water well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to water well construction;

(6) Rules and regulations of the department and the department of social and health services relating to water well construction;

(7) Preparation of well reports;

(8) Township and range location system as it relates to location of wells; and

(9) Basic ground water hydraulics as it relates to well construction. [Order DE 73–10, § 173–162–100, filed 6/29/73.]

WAC 173–162–110 Examinations——Conducting examinations. The examining board may delegate the authority to conduct and monitor examinations to any staff members of the department. [Order DE 73–10, § 173–162–110, filed 6/29/73.]

WAC 173–162–120 Examinations——Notification of examination results. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination and notify said applicant of the results within ten days after such determination. [Order DE 73–10, § 173–162–120, filed 6/29/73.]

WAC 173–162–130 Licenses——General. It is the intent of the department and the examining board, in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the water well construction

industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field. [Order DE 73-10, § 173-162-130, filed 6/29/73.]

WAC 173-162-140 Licenses——Unconditional license. An applicant who has passed the basic general examination and all specialist categories shall be granted a water well construction operators license without any restrictions or conditions. [Order DE 73-10, § 173-162-140, filed 6/29/73.]

WAC 173-162-150 Licenses——Conditional license. An applicant who has passed the basic general examination, but not all of the specialist categories, prior to July 1, 1975, shall be granted a conditional water well construction operators license covering only those specialist categories in which he has passed the examination subject to the following conditions:

(1) His work as a licensee shall be restricted to those specialist categories authorized by the conditional license.

(2) The holder of a conditional license may, within two years after the date of original examination, apply to retake that part of the examination relating to the specialist category or categories he initially failed to pass in order to either broaden his authorization for practice under a conditional license or become qualified for an unconditional license.

(3) If more than two years has expired since the date of original examination, the holder of a conditional license shall, as in the case of a new applicant, file an application for license along with the statutory twenty-five dollar ($25.00) application fee and retake a complete examination if he wishes to apply for an unconditional license. A simple continuance of the conditional license will result if the complete examination is not passed.

Effective July 1, 1975, the practice of issuing conditional licenses to new applicants shall be discontinued. [Order DE 73-10, § 173-162-150, filed 6/29/73.]

WAC 173-162-160 Temporary authorization. An applicant who fails to pass the basic general category of the examination or any of the specialist categories may request and receive a letter of temporary authorization to continue the practice of water well construction until July 1, 1974 provided that:

(1) He has had a minimum of two years' experience in water well construction.

(2) He submits a sworn statement from two licensed water well construction operators attesting to his competency in water well construction.

(a) If he is in the employ of a water well contractor, he shall submit a statement from the "liaison representative" for the contractor affirming that the responsibility for proper well construction shall be fully borne by said water well contractor.

(b) If an owner-operator, he shall substantiate, to the satisfaction of the examining board, that the public will be assured of his proper well construction. [Order DE 73-10, § 173-162-160, filed 6/29/73.]

WAC 173-162-170 Retaking examination. Upon failing to qualify for an unconditional license, the applicant shall not be entitled to retake the examination or any parts thereof for a period of ninety days from the date of his original examination. (1) An applicant who has failed to pass the basic general category or has passed the basic general category, but failed to pass any of the specialist categories, shall be considered as a new applicant in all respects. (2) An applicant who has qualified for a license in one or more of the specialist categories will not be required to pay additional fees for retaking only a part of the examination as authorized under WAC 173-162-150(2). [Order DE 73-10, § 173-162-170, filed 6/29/73.]

WAC 173-162-180 Water well contractors——Identification numbers. The department shall assign an identification number to every water well contractor. [Order DE 73-10, § 173-162-180, filed 6/29/73.]

WAC 173-162-190 Water well contractors——Responsibilities. (1) Every water well contractor shall plainly mark the assigned identification number on each well drilling machine.

(2) The water well contractor shall be responsible for appointment of a "liaison representative." Any change of "liaison representative" must be immediately reported to the department in order to assure continuity of communication. [Order DE 73-10, § 173-162-190, filed 6/29/73.]

Chapter 173-201 WAC
WATER QUALITY STANDARDS FOR WATERS OF THE STATE OF WASHINGTON

WAC

173-201-010 Purpose.
173-201-020 Water use and quality criteria.
173-201-030 Water use and quality criteria——General water use and criteria classes.
173-201-040 Water use and quality criteria——General considerations.
173-201-050 Water use and quality criteria——Characteristic uses to be protected.
173-201-060 Water course classification.
173-201-070 Water course classification——General classifications.
173-201-080 Water course classification——Specific classifications.
173-201-090 Achievement considerations.
173-201-100 Achievement considerations——Implementation.
173-201-110 Achievement considerations——Surveillance.
173-201-120 Achievement considerations——Enforcement.
173-201-130 Definitions.
173-201-140 Miscellaneous.

WAC 173-201-010 Purpose. The purpose of this chapter is to establish water quality standards for waters of the State of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof. [Order 73-4, § 173-201-010, filed 7/6/73.]

WAC 173-201-020 Water use and quality criteria. The water use and quality criteria set forth in WAC 173-201-030 through 173-201-050 are established in

conformance with present and potential water uses of said waters and in consideration of the natural water quality potential and limitations of the same. Nonetheless, the dynamic nature of the process is also recognized. Hence, frequent review of these uses and criteria are anticipated and revisions will be undertaken as additional information is developed. [Order 73-4, § 173-201-020, filed 7/6/73.]

WAC 173-201-030 Water use and quality criteria——General water use and criteria classes. The following criteria shall be applicable to the various classes of waters in the State of Washington:

(1) **Class AA (Extraordinary).**

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but are not limited to the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Wildlife habitat, stock watering.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).

(iv) General marine recreation and navigation.

(v) Fish and shellfish reproduction, rearing, and harvest.

(c) Water quality criteria.

(i) **Total coliform organisms** shall not exceed median values of 50 (fresh water) or 70 (marine water) with less than 10% of samples exceeding 230 when associated with any fecal source.

(ii) **Dissolved oxygen** shall exceed 9.5 mg/l (fresh water) or 7.0 mg/l (marine water).

(iii) **Total dissolved gas** – the concentration of total dissolved gas shall not exceed 110% of saturation at any point of sample collection.

(iv) **Temperature** – water temperatures shall not exceed 60°F. (fresh water) or 55°F. (marine water) due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed $t=75/(T-22)$ (fresh water) or $t=24/(T-39)$ (marine water); for purposes hereof "t" represents the permissive increase and "T" represents the water temperature due to all causes combined.

(v) **pH** shall be within the range of 6.5 to 8.5 (fresh water) or 7.0 to 8.5 (marine water) with an induced variation of less than 0.1 units.

(vi) **Turbidity** shall not exceed 5 JTU over natural conditions.

(vii) **Toxic, radioactive, or deleterious material concentrations** shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any usage.

(viii) **Aesthetic values** shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch or taste.

(2) **Class A (Excellent).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but are not limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Wildlife habitat, stock watering.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing and boating).

(iv) Commerce and navigation.

(v) Fish and shellfish reproduction, rearing and harvest.

(c) Water quality criteria.

(i) **Total coliform organisms** shall not exceed median value of 240 (fresh water) with less than 20% of samples exceeding 1,000 when associated with any fecal sources or 70 (marine water) with less than 10% of samples exceeding 230 when associated with any fecal sources.

(ii) **Dissolved oxygen** shall exceed 8.0 mg/l (fresh water) or 6.0 mg/l (marine water).

(iii) **Total dissolved gas** – the concentration of total dissolved gas shall not exceed 110% of saturation at any point of sample collection.

(iv) **Temperature** – water temperatures shall not exceed 65°F. (fresh water) or 61°F. (marine water) due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed $t=90/(T-19)$ (fresh water) or $t=40/(T-35)$ (marine water); for purposes hereof "t" represents the permissive increase and "T" represents the water temperature due to all causes combined.

(v) **pH** shall be within the range of 6.5 to 8.5 (fresh water) or 7.0 to 8.5 (marine water) with an induced variation of less than 0.25 units.

(vi) **Turbidity** shall not exceed 5 JTU over natural conditions.

(vii) **Toxic, radioactive, or deleterious material concentrations** shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) **Aesthetic values** shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) **Class B (Good).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but are not limited to, the following:

(i) Industrial and agricultural water supply.

(ii) Fishery and wildlife habitat.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating).

(iv) Stock watering.

(v) Commerce and navigation.

(vi) Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvest.

(c) Water quality criteria.

(i) **Total coliform organisms** shall not exceed median values of 1,000 with less than 10% of samples exceeding 2,400 when associated with any fecal source.

(ii) **Dissolved oxygen** shall exceed 6.5 mg/l (fresh water) or 5.0 mg/l (marine water), or 70% saturation, whichever is greater.

(iii) **Total dissolved gas** – the concentration of total dissolved gas shall not exceed 110% of saturation at any point of sample collection.

(iv) **Temperature** – water temperatures shall not exceed 70°F. (fresh water) or 66°F. (marine water) due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15) (fresh water) or t=52/(T–32) (marine water); for purposes hereof "t" represents the permissive increase and "T" represents the water temperature due to all causes combined.

(v) **pH** shall be within the range of 6.5 to 8.5 (fresh water) or 7.0 to 8.5 (marine water) with an induced variation of less than 0.5 units.

(vi) **Turbidity** shall not exceed 10 JTU over natural conditions.

(vii) **Toxic, radioactive, or deleterious material concentrations** shall be below those which adversely affect public health during the exercise of characteristic usages, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) **Aesthetic values** shall not be reduced by dissolved, suspended, floating or submerged matter not attributable to natural causes, so as to affect water usage or taint the flesh of edible species.

(4) **Class C (Fair).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but are not limited to, the following:

(i) Cooling water.

(ii) Commerce and navigation.

(iii) Fish passage.

(iv) Boating.

(c) Water quality criteria.

(i) **Total coliform organisms** shall not exceed median values of 1,000 when associated with any fecal source.

(ii) **Dissolved oxygen** shall exceed 5.0 mg/l (fresh water) or 4.0 mg/l (marine water), or 50% saturation, whichever is greater.

(iii) **Total dissolved gas** – the concentration of total dissolved gas shall not exceed 110% saturation at any point of sample collection.

(iv) **Temperature** – water temperatures shall not exceed 75°F. (fresh water) or 72°F. (marine water) due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=125/(T–12) (fresh water) or t=64/(T–29) (marine water); for purposes hereof "t" represents the permissive increase and "T" represents the water temperatures due to all causes combined.

(v) **pH** shall be within the range of 6.5 to 9.0 (fresh water) or 7.0 to 9.0 (marine water) with an induced variation of less than 0.5 units.

(vi) **Turbidity** shall not exceed 10 JTU over natural conditions.

(vii) **Toxic, radioactive or deleterious material concentrations** shall be below those which adversely affect public health during the exercise of characteristic usages, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) **Aesthetic values** shall not be interfered with by the presence of obnoxious wastes, slimes, or aquatic growths or by materials which will taint the flesh of edible species.

(5) **Lake Class.**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses for waters of this class shall include, but are not limited to, the following:

(i) Water supply (domestic, industrial, agricultural)

(ii) Wildlife habitat, stock watering.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).

(iv) Fish and shellfish reproduction, rearing, and harvest.

(c) Water quality criteria.

(i) **Total coliform organisms** shall not exceed median values of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source.

(ii) **Dissolved oxygen** – no measurable decrease from natural conditions.

(iii) **Total dissolved gas** – the concentration of total dissolved gas shall not exceed 110% of saturation at any point of sample collection.

(iv) **Temperature** – no measurable change from natural conditions.

(v) **pH** – no measurable change from natural conditions.

(vi) **Turbidity** shall not exceed 5 JTU over natural conditions.

(vii) **Toxic, radioactive, or deleterious material concentrations** shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any usage.

(viii) **Aesthetic values** shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste. [Order 73–4, § 173–201–030, filed 7/6/73.]

WAC 173–201–040 Water use and quality criteria——General considerations. The following general guidelines shall be applicable to the water quality criteria and classifications set forth in WAC 173–201–020 through 173–201–080 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one (1) part per thousand or greater and for total coliform organisms when the salinity is ten (10) parts per thousand or greater.

(3) Except for the aesthetic values and acute biological shock conditions the water quality criteria herein established shall not apply:

(a) Within immediate mixing zones of a very limited size adjacent to or surrounding a wastewater discharge;

(b) In the case of total dissolved gas, when the stream flow exceeds the 10–year, 7–day average flood;

(c) In a manner contrary to the applicable conditions of a valid discharge permit.

(4) The total area and/or volume of a receiving water assigned to a mixing zone shall be as described in a valid discharge permit and limited to that which will: (a) not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem; (b) not diminish other beneficial uses disproportionately.

(5) The criteria established in WAC 173–201–030 through 173–201–050 for any of the various classifications of this regulation may be modified by the director for limited periods when receiving waters fall below their assigned water quality criteria due to natural causes or if in the opinion of the director the protection of the overall public interest and welfare requires such modification.

(6) Except where the director determines that overriding considerations of the public interest will be served, wherever receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall constitute water quality criteria.

(7) Whenever the natural conditions are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(8) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used in the application of the criteria.

(9) The analytical testing methods for these criteria shall be in accordance with the most recent editions of *Standard Methods for the Examination of Water and Waste Water*, and *Methods for Chemical Analysis of Water and Wastes* (EPA 16020), and other or superceding methods published or approved by the department following consultation with adjacent states and concurrence of the Environmental Protection Agency.

(10) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case exceed: (a) 1/3 of the values listed in WAC 402–24–220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection), or (b) the 1962 U.S. Public Health Service Drinking Water Standards as revised, or (c) the Radiation Protection Guides for maximum exposure of critical human organs recommended by the former Federal Radiation Council in the case of foodstuffs harvested from waters for human consumption.

(11) Deleterious concentrations of toxic, or other nonradioactive materials shall be as determined by the department in consideration of the *Report of the National Technical Advisory Committee on Water Quality Criteria*, 1968, and as revised, and/or other relevant information. [Order 73–4, § 173–201–040, filed 7/6/73.]

WAC 173–201–050 Water use and quality criteria——Characteristic uses to be protected. The following is a noninclusive list of uses to be protected by the various classifications in fresh and marine waters:

USES	WATERCOURSE CLASSIFICATION				
	LAKE	AA	A	B	C
FISHERIES					
Salmonid					
Migration	F	F M	F M	F M	F M
Rearing	F	F M	F M	F M	
Spawning	F	F	F		
Warm Water Game Fish					
Rearing	F	F	F	F	
Spawning	F	F	F	F	
Other Food Fish	F	F M	F M	F M	
Commercial Fishing	F	F M	F M	F M	
Shellfish	F	M	M	M	
WILDLIFE	F	F M	F M	F M	
RECREATION					
Water Contact	F	F M	F M		
Boating and Fishing	F	F M	F M	F M	F M
Environmental Aesthetics	F	F M	F M	F M	F M
WATER SUPPLY					
Domestic	F	F	F		
Industrial	F	F M	F M	F M	F M
Agricultural	F	F	F	F	F
NAVIGATION	F	F M	F M	F M	F M
LOG STORAGE & RAFTING	F	F M	F M	F M	F M
HYDRO–POWER	F	F	F	F	F

[Order 73–4, § 173–201–050, filed 7/6/73.]

WAC 173–201–060 Water course classification. The various waters of the State of Washington are classified as follows, except as noted herein. [Order 73–4, § 173–201–060, filed 7/6/73.]

WAC 173–201–070 Water course classification——General classifications. (1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are hereby designated *Class AA* or *Lake Class.*

(2) All lakes and their feeder streams within the state are hereby designated *Lake Class* and *Class AA* respectively.

(3) All reservoirs with a mean detention time of greater than 15 days are classified *Lake Class.*

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as *Lake Class.*

(6) All other waters within the state are hereby designated *Class A.* [Order 73–4, § 173–201–070, filed 7/6/73.]

WAC 173–201–080 Water course classification——Specific classifications. Various specific waters of the State of Washington are classified as follows:

(1) American River from confluence with Bumping River to headwaters. Class AA

(2) Baker River. Class AA

(3) Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2) except as otherwise noted. Class B

(4) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the base of the east boat basin jetty. Class B

(5) Big Quilcene River and tributaries. Class AA

(6) Budd Inlet south of latitude 47°04'N. (South of Priest Point Park). Class B

(7) Bumping River from confluence with Naches River to headwaters. Class AA

(8) Cascade River. Class AA

(9) Cedar River from Lake Washington to Landsburg Dam. Class A

(10) Cedar River from Landsburg Dam to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(11) Chehalis River from Scammon Creek to Newaukum River. **Special condition** – dissolved oxygen shall exceed 5.0 mg/l or 50% saturation whichever is greater, from June 1 to September 15. For the remainder of the year the dissolved oxygen shall meet Class A criteria. Class A

(12) Chehalis River from Newaukum River to Rock Creek. Class A

(13) Chehalis River, from Rock Creek to headwaters. Class AA

(14) Chehalis River, south fork, from mouth to headwaters. Class A

(15) Chewack River from confluence with Methow River to headwaters. Class AA

(16) Chiwawa River from confluence with Wenatchee River to headwaters. Class AA

(17) Cispus River. Class AA

(18) Clearwater River. Class A

(19) Cle Elum River from confluence with Yakima River to Cle Elum Lake. Class AA

(20) Cle Elum River from Cle Elum Lake to headwaters. Class AA

(21) Cloquallum River from mouth to headwaters. Class A

(22) Coastal waters from Ilwaco to Cape Flattery. Class AA

(23) Columbia River from mouth to the Washington–Oregon border (river mile 309). **Special condition – Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed 0.5°F. due to any single source or 2°F. due to all such activities combined. Dissolved oxygen shall exceed 90% of saturation. **Below interstate highway No. 5 bridge. Total coliform organisms** shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source. Class A

(24) Columbia River from Washington–Oregon border (river mile 309) to Grand Coulee Dam (river mile 595). **Special condition** from Washington–Oregon border (river mile 309) to Priest Rapids Dam (river mile 397). **Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed $t=110/(T-15)$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(25) Columbia River from Grand Coulee Dam (river mile 595) to Canadian border (river mile 742). Class AA

(26) Colville River. Class A

(27) Commencement Bay from south and east of a line bearing 258° true from "Brown's Point" and north and west of a line bearing 225° true through the Hylebos Waterway light. **Special condition – total coliform organisms** shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source. Class A

(28) Commencement Bay inner, from south and east of a line bearing 225° true through the Hylebos Waterway light except the city waterway south and east of south 11th street. Class B

(29) Commencement Bay, city waterway south and east of south 11th street. Class C

(30) Coweeman River from mouth to Mulholland Creek. Class A

(31) Coweeman River from Mulholland Creek to headwaters. Class AA

(32) Crab Creek and tributary streams from confluence with Columbia River to headwaters. Class B

(33) Decker Creek from mouth to headwaters. Class AA

(34) Deschutes River from mouth to headwaters. Class A

(35) Dickey River. Class A

(36) Dosewallips River and tributaries. Class AA

(37) Drayton Harbor, south of entrance. Class A

(38) Duckabush River and tributaries. Class AA

(39) Dungeness River from mouth to Canyon Creek. Class A

(40) Dungeness River and tributaries from Canyon Creek to headwaters. Class AA

(41) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal no. 37 to the confluence with the Black River (Tukwila). Class B

(42) Duwamish River upstream from the confluence with the Black River to the limit of tidal influence. **Special condition – total coliform organisms** shall not exceed median values of 1,000 with less than 20% of

samples exceeding 2,400 when associated with any fecal source. Class A

(43) Dyes and Sinclair Inlets west of longitude 122°37'W. **Special conditions** – Sinclair Inlet and Port Washington Narrows West of longitude 122°37'W. and south of latitude 47°35'20"N. **Total coliform organisms** – shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source. Class A

(44) Elliott Bay east of a line between U.S. Navy Supply Depot and Duwamish Head. **Special condition – total coliform organisms** shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source. Class A

(45) Elwha River and tributaries. Class AA

(46) Entiat River from Wenatchee National Forest boundary to headwaters. Class AA

(47) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth). Class B

(48) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class C

(49) Grande Ronde River from mouth to Oregon border (river mile 37). **Special condition – temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed $t=110/(T-15)$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(50) Grays Harbor west of longitude 123°59'W. Class A

(51) Grays Harbor east of longitude 123°59'W. to longitude 123°45'45"W. (Cosmopolis). **Special condition – dissolved oxygen** – shall exceed 5.0 mg/l or 60% saturation, whichever is greater. Class B

(52) Grays River from Grays River Falls to headwaters. Class AA

(53) Green River (Cowlitz County) from mouth to headwaters. Class AA

(54) Green River (King County) from intersection of the river with west boundary of Sec. 27, R.6E., T.21N. to intersection of the river with west boundary of Sec. 13, R.7E., T.21N. Class AA

(55) Green River (King County) from intersection of the river with west boundary of Sec. 13, R.7E., T.21N. to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(56) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W. and north of latitude 48°27'20"N. except as otherwise noted. Class A

(57) Hamma Hamma River and tributaries. Class AA

(58) Hanaford Creek from mouth to east boundary line of Sec. 25, T.15N., R.2W. **Special condition** – dissolved oxygen shall exceed 6.5 mg/l or 70% saturation whichever is greater. Class A

(59) Hanaford Creek from east boundary line of Sec. 25, T.15N., R.2W., to headwaters. Class A

(60) Hoh River and tributaries from mouth to headwaters. Class AA

(61) Hoquiam River from mouth to river mile 9. Class B

(62) Issaquah Creek from mouth to headwaters. Class A

(63) Kalama River from lower Kalama River Falls to headwaters. Class AA

(64) Klickitat River from Little Klickitat River to headwaters. Class AA

(65) Lake Washington Ship Canal from Lake Washington to Government Locks. **Special condition** – salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge. Lake Class

(66) Lewis River east fork, from Multon Falls to headwaters. Class AA

(67) Little Wenatchee River from Lake Wenatchee to headwaters. Class AA

(68) Methow River from Okanogan National Forest boundary to headwaters. Class AA

(69) Mill Creek from confluence with Walla Walla River to 13th street bridge in Walla Walla. **Special condition** – dissolved oxygen concentration shall exceed 5.0 mg/l or 50% saturation whichever is greater. Class B

(70) Mill Creek from City of Walla Walla waterworks dam to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(71) Naches River from Snoqualmie National Forest boundary to headwaters. Class AA

(72) Naselle River from Naselle Falls to headwaters. Class AA

(73) Newaukum River from mouth to headwaters. Class A

(74) Nisqually River from Alder Dam to headwaters. Class AA

(75) Nooksack River from mouth to river mile 4 (just below Ferndale). **Special condition – total coliform organisms** – shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(76) Nooksack River from confluence with Maple Creek to headwaters. Class AA

(77) Nooksack River, south fork, from Skookum Creek to headwaters. Class AA

(78) Nooksack River, middle fork. Class AA

(79) Oakland Bay west of longitude 123°05'W. (inner Shelton harbor). Class B

(80) Okanogan River from mouth to Oroville (river mile 80, confluence with Similkameen River). Class B

(81) Palouse River from mouth to Colfax (river mile 88, confluence with south fork). Class B

(82) Palouse River from Colfax (river mile 88, confluence with south fork) to Idaho border (river mile 110). **Special condition – Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(83) Pend Oreille River from Canadian border (river mile 17) to Idaho border (river mile 86). **Special condition – Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(84) Pilchuck River from City of Snohomish waterworks dam to headwaters. Class AA

(85) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. **Special condition – total coliform organisms** – shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(86) Port Gamble south of latitude 47°51'20"N. Class A

(87) Port Townsend west of a line between Point Hudson and Kala Point. Class A

(88) Possession Sound, Port Susan, Saratoga Passage and Skagit Bay east of Whidbey Island and longitude 122°38'35"W. (bridge) between latitude 47°57'N. (Mukilteo) and latitude 48°27'20"N. (Similk Bay) except as otherwise noted. Class A

(89) Puyallup River from mouth to river mile 1 (from mouth). Class B

(90) Puyallup River from Kings Creek to headwaters. Class AA

(91) Queets River from mouth to river mile 3.0. Class AA

(92) Queets River and tributaries from river mile 3 to headwaters. Class AA

(93) Quillayute River. Class AA

(94) Quinault River from mouth to river mile 2. Class AA

(95) Quinault River and tributaries from river mile 2 to headwaters. Class AA

(96) Satsop River, east fork, from mouth to headwaters. Class AA

(97) Satsop River, middle fork, from mouth to headwaters. Class AA

(98) Satsop River, west fork, from mouth to headwaters. Class AA

(99) Sauk River. Class AA

(100) Sequim Bay southward of entrance. Class A

(101) Skagit River from mouth to Burlington (river mile 17, Nookachamps Creek). **Special condition – total coliform organisms** shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(102) Skagit River from Skiyou Slough, (river mile 26) to Canadian border (river mile 91). Class AA

(103) Skokomish River and tributaries. Class AA

(104) Skookumchuck River from Bloody Run Creek to headwaters. Class AA

(105) Skykomish River from May Creek to headwaters. Class AA

(106) Snake River from mouth to Washington Idaho–Oregon border. **Special condition – Temperature** (a) **Below confluence with Clearwater River**. Water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined.

(b) **Above confluence with Clearwater River**. Water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed 0.5°F. due to any single source or 2°F. due to all such activities combined. Class A

(107) Snohomish River from mouth and east of longitude 122°13'40"W. upstream to latitude 47°56'30"N. (southern tip of Ebey Island). Class B

(108) Snohomish River upstream from latitude 47°56'30"N. (southern tip of Ebey Island) to limit of tidal influence. **Special condition – total coliform organisms** – shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(109) Snoqualmie River, middle fork, from mouth to headwaters. Class AA

(110) Snoqualmie River, north fork, from mouth to headwaters. Class AA

(111) Snoqualmie River, south fork, from west boundary of Twin Falls State Park to headwaters. Class AA

(112) Soleduck River and tributaries. Class AA

(113) South Puget Sound west of longitude 122°52'30"W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island) except as otherwise noted. Class A

(114) Spokane River from mouth to Idaho border (river mile 91). **Special condition – Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(115) Stillaguamish River from mouth to river mile 7 (at Norman). **Special condition – total coliform organisms** – shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(116) Stillaguamish River, north fork from mouth to Squire Creek. Class A

(117) Stillaguamish River, north fork from Squire Creek to headwaters. Class AA

(118) Stillaguamish River, south fork, from Canyon Creek to the headwaters. Class AA

(119) Stehekin River from Lake Chelan to headwaters. Class AA

(120) Strait of Juan de Fuca and Puget Sound through Admiralty Inlet and South Puget Sound, South and West to longitude 122°52'30"W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island), Hood Canal, Possession Sound south of latitude 47°57'N. (Mukilteo) and all North Puget Sound West of longitude 122°39" (Whidbey, Fidalgo, Guemes and Lummi Island) except as otherwise noted. Class AA

(121) Suiattle River. Class AA

(122) Sultan River from mouth to Chaplain Creek. Class A

(123) Sultan River from Chaplain Creek to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(124) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23). Class A

(125) Tieton River from confluence with Naches River to headwaters. Class AA

(126) Tolt River from mouth to intersection of the river with west boundary of Sec. 31, R.9E., T.26N. Class AA

(127) Tolt River from intersection of the river with west boundary of Sec. 31, R.9E., T.26N. to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(128) Touchet River from Dayton water intake structure to headwaters. Class AA

(129) Toutle River, north fork from Green River to headwaters. Class AA

(130) Toutle River, south fork, from mouth to headwaters. Class AA

(131) Tucannon River from Umatilla National Forest boundary to headwaters. Class AA

(132) Twisp River from confluence with Methow River to headwaters. Class AA

(133) Union River from Bremerton waterworks dam to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(134) Walla Walla River from mouth to Lowden (river mile 15). Class B

(135) Walla Walla River from Lowden (river mile 15) to Oregon border (river mile 40). **Special condition – Temperature** – water temperatures shall not exceed 68°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(136) Wenatchee River from Wenatchee National Forest boundary to headwaters. Class AA

(137) White River (Pierce–King Counties) from Mud Mountain Dam to headwaters. Class AA

(138) White River (Chelan County) from Lake Wenatchee to headwaters. Class AA

(139) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light. Class A

(140) Willapa River upstream of a line bearing 70° true through Mailboat Slough light. **Special condition – total coliform organisms** shall not exceed median values of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source. Class A

(141) Wishkah River from mouth to river mile 6. Class B

(142) Wishkah River from west fork of Wishkah River to intersection of the river with south boundary of Sec. 33, R.8W., T.21N. Class AA

(143) Wishkah River from intersection of the river with south boundary of Sec. 33, R.8W., T.21N. to headwaters. **Special condition** – no waste discharge will be permitted. Class AA

(144) Yakima River from confluence with Columbia River to Sunnyside Dam. Class B

(145) Yakima River from Sunnyside Dam to Wilson Creek. **Special condition – Temperature** – water temperatures shall not exceed 70°F. due in part to measurable (0.5°F.) increases resulting from human activities; nor shall such temperature increases, at any time, exceed t=110/(T–15); for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined. Class A

(146) Yakima River from Cle Elum River to headwaters. Class AA

[Order DE 73–22, § 173–201–080, filed 11/16/73; Order 73–4, § 173–201–080, filed 7/6/73.]

WAC 173-201-090 Achievement considerations. To fully achieve and maintain the foregoing water quality in the State of Washington, it is the intent of the department of ecology to apply the various implementation and enforcement authorities at its disposal including the development and implementation of the continuing planning process required under section 303(e) of the Federal Water Pollution Control Act Amendments of 1972, and applicable federal regulations thereunder. It is also the intent that cognizance will be taken of the need for information as contemplated under section 304 of the federal act with emphasis on silviculture and agriculture, and for participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The Washington department of ecology's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act and regulations. Further, it shall be required that all activities which discharge wastes into waters within the state or otherwise adversely affect the quality of said waters be in compliance with the wastes treatment and discharge provisions of state or federal law. [Order 73-4, § 173-201-090, filed 7/6/73.]

WAC 173-201-100 Achievement considerations—— Implementation. (1) **Discharges from Municipal, Commercial and Industrial Operations.** The primary means to be utilized for controlling municipal, commercial and industrial waste discharges shall be through the issuance of waste disposal permits as provided for in RCW 90-.48.160 and following.

(2) **Miscellaneous Waste Discharge or Water Quality Effect Sources.** The director shall, through the issuance of regulatory permits, directives, and orders as are appropriate, control miscellaneous waste discharges and water quality effect sources not covered by subsection (1) hereof. It is noted that from time to time certain short-term activities which are deemed necessary to accommodate essential activities or to otherwise protect the public interest may be specially authorized by the director under such conditions as the director may prescribe even though such activities may result in a reduction of water quality conditions below those criteria and classifications established by this regulation. [Order 73-4, § 173-201-100, filed 7/6/73.]

WAC 173-201-110 Achievement considerations—— Surveillance. A continuing surveillance program to ascertain whether the regulations, waste disposal permits, order, and directives promulgated and/or issued by the department are being complied with, will be conducted by the department staff as follows:

(1) Inspecting of treatment and control facilities.

(2) Monitoring and reporting of waste discharge characteristics.

(3) Monitoring of receiving water quality. [Order 73-4, § 173-201-110, filed 7/6/73.]

WAC 173-201-120 Achievement considerations—— Enforcement. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of regulatory notifications, orders, and directives as provided for in RCW 90.48.120. Under this section, whenever it is the department's opinion that a person is polluting or is about to pollute the state's waters, the department shall notify said person of the department's determination. Within thirty days said person shall notify the department of the action he has taken with regard to said notification, whereupon the department shall issue such order or directive as it deems appropriate. Thereafter any person feeling aggrieved may request a department hearing relating to said order or directive; the same being conducted in accordance with chapter 43.21B RCW, and chapter 371-08 WAC. Any party to the hearing may request review of the department's order issued after said hearing in a superior court of this state, if the hearing is informal, or to the court of appeals if the hearing is formal.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director of the department may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within fifteen days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240. [Order 73-4, § 173-201-120, filed 7/6/73.]

WAC 173-201-130 Definitions. For the purpose of this chapter, the following definitions are applicable:

(1) "Natural condition" means the resulting water quality in the absence of any measurable pollutional effect due to human activities excepting only the effects of depth, volume, surface area or shoreline configuration resulting from the legal physical alteration of a water body.

(2) "Acute biological shock condition" means that dose or circumstance which has been demonstrated by field or laboratory observations to directly result in mortalities of food, game, or commercial fish species.

(3) "Permit" means a document issued for a wastes source specifying the wastes treatment and control requirements and wastes discharge conditions.

(4) "Total coliform organisms" mean total coliform organisms per 100 milliliters.

(5) "Temperature" means temperature expressed in degrees Fahrenheit.

(6) "pH" means the negative logarithm of the hydrogen–ion concentration.

(7) "Turbidity" means the optical property of a sample demonstrating the scattering and absorption of light caused by suspended material as expressed in Jackson Turbidity Units (JTU).

(8) "Mean detention time" means the time obtained by dividing a reservoir's mean annual minimum total storage by the 30–day ten–year low–flow from the reservoir. [Order 73–4, § 173–201–130, filed 7/6/73.]

WAC 173–201–140 Miscellaneous. (1) The water quality criteria adopted in this chapter shall be the sole criteria for the various waters in the State of Washington.

(2) The criteria, classifications and achievement considerations established by this chapter shall be reviewed from time to time by the department to insure that the quality of the waters of the state may be enhanced wherever possible through appropriate modifications of this chapter.

(3) These rules contemplate and it is the specific intent of the department of ecology to evaluate the watercourse classifications under WAC 173–201–060 through 173–201–080 hereof in the near future, with special emphasis placed on those waters constituting reaches of streams in nonurban areas, and, if deemed appropriate, initiate rule–making proceedings by September 1, 1973, as to any needed changes in classification. Additionally, the department shall, in light of concerns expressed both for high water quality and for the carrying on of activities on land which have an effect on certain water reaches, continue with expedition to examine all waters of the state, the needs for the protection of the same and related concerns, and if after such evaluation, it appears appropriate, initiate rule–making procedures to modify this chapter.

(4) Chapters 372–12 and 372–64 WAC are repealed. [Order 73–4, § 173–201–140, filed 7/6/73.]

Chapter 173–202 WAC
WASHINGTON FOREST PRACTICES RULES AND REGULATIONS TO PROTECT WATER QUALITY

WAC

173–202–010 Authority.
173–202–020 Certain WAC sections adopted by reference.

WAC 173–202–010 Authority. RCW 76.09.040, a portion of the Forest Practices Act of 1974, authorizes the adoption of regulations establishing standards for forest practices. Forest practices regulations pertaining to water quality protection are to be adopted individually by the Forest Practices Board and the Department of Ecology after the two state agencies have reached agreement thereon. All other forest practices regulations are to be adopted by the Forest Practices Board.

The Forest Practices Board has adopted forest practice regulations in chapters 222–08 through 222–50 WAC. The portions of said chapters, as set forth in WAC 173–202–020, pertain to water quality protection and have been jointly developed by the Department of Ecology and the Forest Practices Board.

The purpose of this chapter is to set forth forest practice regulations pertaining to water quality protection as authorized for adoption by RCW 76.09.040.

For ease of understanding, the Department of Ecology has incorporated by reference in WAC 173–202–020 those regulations pertaining to water quality protection previously adopted by the Forest Practices Board. [Order DE 76–32, § 173–202–010, filed 7/13/76.]

WAC 173–202–020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code as now promulgated are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222–12–070——Enforcement.
WAC 222–12–090——Forest Practice Board Manual.
WAC 222–16–010——General Definitions.
WAC 222–16–020——Water Categories.
WAC 222–16–030——Water Typing System.
WAC 222–16–040——Temperature Sensitive Waters.
WAC 222–16–050——Classes of Forest Practices.
WAC 222–24–010(3), (4), (5)——Policy: Road Construction and Maintenance.
WAC 222–24–020(4), (5), (6), (7)——Road Location and Design.
WAC 222–24–030(2), (4), (5), (6), (8), (9), (10)——Road Construction.
WAC 222–24–040(1), (2), (3), (4)——Water Crossing Structures.
WAC 222–24–050(1), (2), (3), (4), (5)——Road Maintenance.
WAC 222–24–060(1), (2), (3), (6)——Rock Quarries, Gravel Pits, Borrow Pits, and Spoil Disposal Areas.
WAC 222–30–010——Policy: Timber Harvesting.
WAC 222–30–020(2), (3)(c), (3)(e), (4)——Harvest Unit Planning & Design.
WAC 222–30–030——Streambank Integrity.
WAC 222–30–040——Temperature Control.
WAC 222–30–050(1), (2), (3), (4)——Felling & Bucking.
WAC 222–30–060(1), (2), (3), (4), (5)(c)——Cable Yarding.
WAC 222–30–070(1), (2), (4), (6), (7), (8)——Tractor & Wheeled Skidding Systems.
WAC 222–30–080(1), (2)——Landing Cleanup.
WAC 222–30–100(1)(c), (4), (5)——Slash Disposal.
WAC 222–34–040(1), (2), (3)——Site Preparation.
WAC 222–38–010——Policy: Forest Chemicals.
WAC 222–38–020(1), (2), (3), (4), (5), (6), (10)——Handling, Storage, Application.

[Order DE 76–32, § 173–202–020, filed 7/13/76.]

Chapter 173-208 WAC
GRANT OF AUTHORITY SEWERAGE SYSTEMS

WAC

173-208-010 Authority.
173-208-020 Purpose.
173-208-030 Declaration of policy.
173-208-040 Definitions.
173-208-050 Applications for authorization.
173-208-060 Delegation procedure.
173-208-070 Scope of authorization.
173-208-080 Permits under authorized programs.
173-208-090 Conformity with department rules.
173-208-100 Withdrawal of authorization.
173-208-110 Requirement of program review.
173-208-120 Appeal.

WAC 173-208-010 Authority. RCW 90.48.165 empowers the department of ecology, as successor to the Water Pollution Control Commission to grant to any city, town, or municipal corporation operating a sewerage system including treatment facilities the authority to issue permits for the discharge of wastes into such system, provided that the department finds to its satisfaction that the sewerage system and inspection and control program operated and conducted by the city, town, or municipal corporation will protect the public interest in the quality of the state's water as provided in the Water Pollution Control Act, chapter 90.48 RCW. Permits for the discharge of wastes into publicly operated sewerage systems are required for commercial or industrial operations by virtue of RCW 90.48.160. [Order DE 75-10, § 173-208-010, filed 4/30/75.]

WAC 173-208-020 Purpose. The purpose of this chapter is to set forth the procedures and criteria for the granting of authority for the administration of the permit program of RCW 90.48.160 as it pertains to waste discharges into publicly operated sewerage systems to the governing bodies of cities, towns, and municipal corporations operating such sewerage systems and receiving into them industrial and commercial wastes as hereinafter defined. [Order DE 75-10, § 173-208-020, filed 4/30/75.]

WAC 173-208-030 Declaration of policy. (1) The department encourages qualified cities, towns, and other municipal corporations to apply for a grant of authority to conduct and operate a permit system for the regulation of commercial and industrial waste discharges into their sewerage systems in accordance with RCW 90.48.165.

(2) The department is committed to the policy of maintaining the highest possible standards of water quality within the state in compliance with the basic aims expressed in RCW 90.48.010 and national policies and goals expressed by the Federal Water Pollution Control Act Amendments of 1972, (FWPCAA). The implementation of a permit issuance program by any city, town, or municipal corporation shall be continuously evaluated by the department for compliance with these policies, aims, and goals.

(3) In compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES), as provided for in the FWPCAA, the department shall maintain its enforcement of compliance of effluent limitation standards upon publicly owned or operated treatment works under their NPDES permits. Under such permit, any municipality granted authority hereunder to administer a permit program as hereinafter defined shall continue to be primarily responsible for its effluent quality according to the terms of such NPDES permit. [Order DE 75-10, § 173-208-030, filed 4/30/75.]

WAC 173-208-040 Definitions. As used in this chapter:

(1) "Applicant" shall mean that municipality applying to the department for authority to administer the permit program pursuant to RCW 90.48.165.

(2) "Application for authorization" shall mean that application submitted by a municipality seeking permit-issuing authority pursuant to RCW 90.48.165.

(3) "Application to discharge" shall mean that information required from a discharger in acquiring a permit to discharge commercial and industrial wastes into a municipal sewerage system.

(4) "Commercial and industrial wastes" shall mean the wastes, whether solid or liquid, from any commercial or industrial operation, other than domestic sewage.

(5) "Department" shall mean the department of ecology.

(6) "Discharge" shall mean any commercial or industrial operation which results in the disposal of solid or liquid waste material into a sewerage system operated by a municipality which discharges into the public waters of the state.

(7) "Enforcement action" shall mean any administrative or judicial action initiated to achieve compliance with the conditions of a discharge permit, regulations of the department, and water pollution control laws of this state or of the federal government.

(8) "Municipality" shall mean any city, town, or municipal corporation established according to the applicable laws of this state.

(9) "Permit" shall mean the official authorization to dispose of commercial and industrial wastes into waters, to include all regulatory constraints and conditions described therein, issued to a discharger.

(10) "Permit program" shall mean the process of granting or denying by municipalities, authorized as herein provided, of approval of applications to discharge into the sewerage system of such municipalities, the monitoring and inspection of dischargers, and the taking of appropriate enforcement action.

(11) "Sewerage system" shall mean any system operated by a municipality for the collection, transfer, treatment, and disposal of sewage. [Order DE 75-10, § 173-208-040, filed 4/30/75.]

WAC 173-208-050 Applications for authorization. No particular form shall be required for an application for authorization. No such decision shall be made on any

such application, however, unless the applicant supplies to the department:

(1) A request from the municipality seeking authority to conduct a permit program for the discharge of commercial and industrial wastes into its sewerage system in accordance with state and federal water pollution control laws, regulations, and policies as now exist or are hereafter amended.

(2) A listing of all self–monitoring and reporting procedures to be required, and inspection and other regulatory control criteria and procedures applicant intends to use in administering the permit program.

(3) An estimate of the financial resources the applicant will commit to the permit program on an annual basis and the sources of funding therefor.

(4) A commitment showing the number of personnel who will be assigned to the permit program, either on a full–time or part–time basis, broken down by person–years or person–hours or other appropriate measure of personnel usage, and assurances that such personnel commitment is or will be adequately funded.

(5) An assurance that the background, experience and continuing training of personnel to be assigned to the permit program will be sufficient to achieve and maintain the goals and policies of state and federal water pollution control acts.

(6) A copy of the actual or proposed municipal ordinance or resolution intended for use in establishing and conducting the proposed waste discharge permit system.

(7) An outline of the procedures to be used in processing individual permit applications.

(8) Copies of the application for permit and of the proposed permit format.

(9) A description of enforcement procedures to be followed.

(10) A list of all potential dischargers into the sewerage system which will require permits pursuant to any delegation hereunder.

(11) If the applicant is the recipient of a federal grant for any phase of treatment works construction to be utilized by the discharger, it shall demonstrate to the department that it has adopted a system of charges to assure that each discharger shall pay a proportionate share of the costs of operation and maintenance of any waste treatment services provided by the applicant, and further demonstrate that it has made provision for the payment to the applicant by dischargers of that portion of the cost of construction of such treatment works which is allocable to the treatment of commercial and industrial wastes to the extent attributable to the federal share of the cost of construction.

(12) Any additional information required by the department. [Order DE 75–10, § 173–208–050, filed 4/30/75.]

WAC 173–208–060 Delegation procedure. (1) Upon receipt of any application for authorization, the department shall review such application, and if necessary, require additional information to make a determination thereon.

(2) Upon notification by the department that all information required by it has been received, the applicant shall twice publish notice of the application for authorization in a newspaper of general circulation in the area to which the request relates, providing thirty (30) days for written comments on the request to be received by the department. Such notice shall be in a form provided by the department. In addition to such publication, a copy of such notice shall be mailed by the applicant to the governing body of each sewer district and of general purpose government, all or a portion of which lies within the jurisdictional boundaries to which the request relates.

(3) After review of the completed application and of comments timely received in response to the notice provided for above, the department shall either deny the request, giving its reasons therefor, find that there is sufficient public interest to warrant holding a public hearing on the application, or issue an order approving the same in whole or in part.

(4) If a public hearing is held upon proper notice, the department shall afford interested parties the opportunity to present their views on the application, and, upon review of all information gathered, shall either deny the application or issue an order approving the same.

(5) Any approval order issued by the department hereunder shall contain conditions and restrictions relative to the administration of the permit program and shall be binding upon the municipality so long as such approval remains in effect. Said approval order may subsequently be altered or amended in whole or in part to reflect changes in applicable laws, regulations, or policies relating to water pollution control. The department shall give the municipality thirty (30) days notice of any contemplated amendments, unless an emergency precludes the giving of such notice, and will invite comments from the municipality. [Order DE 75–10, § 173–208–060, filed 4/30/75.]

WAC 173–208–070 Scope of authorization. (1) Authority granted hereunder shall be limited to the administration of the permit program within applicant's jurisdictional boundaries as now existing or as hereafter changed.

(2) Grants of authority to municipalities hereunder shall be limited to the conduct of a permit program for the discharge of commercial and industrial wastes into a sewerage system and shall confer no authority to issue permits for the discharge of such wastes into surface or groundwaters of the state. Administration of permit requirements for waste discharges other than commercial and industrial wastes entering a sewerage system, shall remain solely with the department.

(3) No authorization made hereunder shall be construed as limiting or abridging the powers or abrogating the duties required of the department. The department may initiate appropriate enforcement action against a municipality to whom authority has been granted hereunder, or against any discharger for violations of any requirements of chapter 90.48 RCW, the FWPCAA, or regulations thereunder. [Order DE 75–10, § 173–208–070, filed 4/30/75.]

WAC 173-208-080 Permits under authorized programs. Any municipality to which permit authority has been granted hereunder may use its own application and permit forms when the same have been approved by the department. [Order DE 75-10, § 173-208-080, filed 4/30/75.]

WAC 173-208-090 Conformity with department rules. (1) It is contemplated that various applicants may present to the department differing regulatory criteria designed to cope with particular local needs and conditions. For the purposes of determining whether an applicant intends to administer the permit program in accordance with applicable state and federal laws, regulations, and policies, the department shall evaluate proposed regulatory criteria on the basis of whether such criteria, if implemented, would be at least as stringent as state or federal requirements.

(2) All implementing ordinances or resolutions shall contain a proviso requiring that the permit program as administered by any municipality be revised, as necessary and to the satisfaction of the department, to conform with any changes in applicable rules and regulations which may be adopted by the department or the federal government subsequent to the effective date of the grant of authority. All amendments of implementing ordinances or resolutions shall be submitted to the department for approval prior to passage.

(3) Any municipality granted authority hereunder to administer a permit program shall adhere to, as a minimum requirement for commercial and industrial dischargers, the state or federal pretreatment standards and regulations, as now exist or are hereafter amended. If necessary to impose more stringent standards in order to meet the effluent limitations contained in its National Pollutant Discharge Elimination System (NPDES) permit, the municipality shall impose and enforce such stricter pretreatment requirements as necessary to meet these limitations pursuant to the authority preserved to the state by section 510 of the FWPCAA.

(4) Nothing in this grant of authority shall relieve the municipality of its obligation of compliance with the terms and conditions of its NPDES permit or the requirements of state and federal laws and rules pertaining to water pollution control. [Order DE 75-10, § 173-208-090, filed 4/30/75.]

WAC 173-208-100 Withdrawal of authorization. Whenever the department shall determine that a municipality to which a grant of authority has been made hereunder is not administering the permit system in accordance with an approval order issued hereunder, state and/or federal water pollution control acts and regulations or the applicable implementing ordinance or resolution of the municipality, the department shall notify such local government and, if corrective action is not taken within a reasonable time, not to exceed sixty (60) days, the department by order, shall withdraw the authority. Permits issued under this program shall automatically terminate if the authority to issue the same is revoked by the department and the provisions of RCW 90.48.160 shall apply. [Order DE 75-10, § 173-208-100, filed 4/30/75.]

WAC 173-208-110 Requirement of program review. It is the objective of the department to place reliance for internal system controls upon any municipality granted authority hereunder and to avoid complex procedures for the measuring and evaluating the effectiveness of a municipal permit system, insofar as is consistent with statutory responsibilities of the department under the provisions of chapter 90.48 RCW. A program review shall be necessary, however, to fulfill those responsibilities and shall be accomplished through the following actions:

(1) The municipality shall immediately provide the department with a copy of each application for discharge, together with a copy of each permit issued thereupon, or notice of denial thereof.

(2) The municipality will devise and submit a quarterly written report to the department within thirty (30) days after the end of each calendar year quarter to reflect the following:

(a) A listing of all permits issued by the municipality during the previous quarter.

(b) A report on the status of compliance by dischargers having permits that incorporate compliance schedules.

(c) A brief narrative covering violations and enforcement actions, if any, occurring during the reporting period, to include specifics as to cause and effect of the violation and preventative measures taken.

(d) Maintain copies of monitoring reports submitted by all permit holders for purposes of inspection by department personnel.

(e) Identification of problem areas or potential problem areas which may be resolved with the assistance of the department.

(3) The municipality and the department shall hold joint staff meetings involving personnel from municipal and department staff no less than semiannually for purposes of discussing functional problems and solutions related to industrial and commercial waste discharge permit systems. [Order DE 75-10, § 173-208-110, filed 4/30/75.]

WAC 173-208-120 Appeal. Any person aggrieved by a final ruling by a municipality upon an application for a permit or violations of the same under a delegated program may obtain review thereof by filing an appeal, within thirty (30) days, with the Pollution Control Hearings Board, pursuant to chapter 43.21B RCW and chapter 371-08 WAC. The defense of any such appeal shall be the responsibility of the municipality. [Order DE 75-10, § 173-208-120, filed 4/30/75.]

Chapter 173-220 WAC
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

WAC

173-220-010 Purpose.
173-220-020 Permit required.

173–220–030	Definitions.
173–220–040	Application for permit.
173–220–050	Public notice.
173–220–060	Fact sheets.
173–220–070	Notice to other government agencies.
173–220–080	Public access to information.
173–220–090	Public hearings.
173–220–100	Public notice of public hearings.
173–220–110	Permit preparation.
173–220–120	Prohibited discharges.
173–220–130	Effluent limitations, water quality standards and other requirements for permits.
173–220–135	Signing of permits.
173–220–140	Schedules of compliance.
173–220–150	Other terms and conditions.
173–220–160	Transmission to regional administrator of issued permit.
173–220–170	Relationship with non–NPDES permits.
173–220–180	Duration and replacement of existing permit.
173–220–190	Modification, suspension, and revocation of permits.
173–220–200	Transfer of permit.
173–220–210	Monitoring, recording and reporting.
173–220–220	Control of disposal of pollutants into wells.
173–220–230	Enforcement.
173–220–240	Relationship of department of ecology to permits issued by the thermal power plant site evaluation council.

WAC 173–220–010 Purpose. The purpose of this chapter is to establish a state permit program, applicable to the discharge of pollutants and other wastes and materials to the navigable waters of the state, operating under state law as a part of the National Pollutant Discharge Elimination System (NPDES) created by section 402 of the Federal Water Pollution Control Act (FWPCA). Permits issued under this chapter are designed to satisfy the requirements for discharge permits under both section 402(b) of the FWPCA and chapter 90.48 RCW (Revised Code of Washington). [Order DE 74–1, § 173–220–010, filed 2/15/74.]

WAC 173–220–020 Permit required. No pollutants or other wastes or substances shall be discharged directly to any navigable water of the state from a point source, except as authorized by a permit issued pursuant to this chapter. [Order DE 74–1, § 173–220–020, filed 2/15/74.]

WAC 173–220–030 Definitions. For purposes of this chapter, the following definitions shall be applicable:

(1) "Department" means department of ecology.

(2) "Director" means the director of the department of ecology.

(3) "Council" means the Thermal Power Plant Site Evaluation Council.

(4) "Administrator" means the administrator of the U.S. Environmental Protection Agency.

(5) "Regional Administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA).

(6) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(7) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not mean sewage from vessels within the meaning of section 312 of the FWPCA.

(8) "Toxic pollutant" means those pollutants, or combinations of pollutants, including disease–causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproductions) or physical deformations, in such organisms or their offspring.

(9) "Other industrial or other wastes and substances" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(10) "Navigable waters of the state" means all navigable waters as defined in section 502 of the FWPCA within the boundaries of the state such as lakes, rivers, ponds, streams, inland waters, ocean, bays, estuaries, sounds and inlets.

(11) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

(12) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant to navigable waters from any point source, (b) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

(13) "Minor discharge" means any discharge which (a) has a total volume of less than 50,000 gallons on every day of the year, (b) does not affect the waters of any other state, and (c) is not identified by the department, the regional administrator or by the administrator in regulations issued pursuant to section 307(a) of the FWPCA as a discharge which is not a minor discharge. If there is more than one discharge from a facility and the sum of the volumes of all discharges from the facility exceeds 50,000 gallons on any day of the year, then no discharge from the facility is a "minor discharge" as defined herein. [Order DE 74–1, § 173–220–030, filed 2/15/74.]

WAC 173–220–040 Application for permit. (1) Any person presently discharging pollutants to navigable waters of the state must file an application with the department on a form prescribed by the department. For the purpose of satisfying the requirements of this subsection, any completed application filed with the Environmental Protection Agency prior to the approval by the administrator under section 402(b) of the FWPCA

of this state permit program shall constitute a filing with the department.

(2) Any person proposing to commence a discharge of pollutants to waters of this state must file an application with the department on a form prescribed by the department, (a) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (b) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the FWPCA and any other applicable water quality standards or effluent standards and limitations.

(3) The requirement for permit application will be satisfied if the discharger files:

(a) A complete refuse act application; or

(b) A complete application form which is appropriate for the type, category, or size of discharge; and

(c) Any additional information required by the department.

(4) An applicant shall file a complete permit application no later than 60 days following receipt by the applicant of notice from the department that the applicant's previously filed refuse act application is so deficient as not to have satisfied the filing requirements.

(5) The application form shall bear a certification of correctness to be signed:

(a) In the case of corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(b) In the case of a partnership, by a general partner.

(c) In the case of sole proprietorship, by the proprietor.

(d) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

(6) No discharge of wastes into the navigable waters of the state is authorized until such time as an application has been approved and a permit issued consistent with the terms and conditions of this chapter. [Order DE 74-1, § 173-220-040, filed 2/15/74.]

WAC 173-220-050 Public notice. (1) Public notice of every complete application for permit shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge. Circulation of public notice shall include at least the following:

(a) Notice shall be circulated within the geographical areas of the proposed discharge; such circulation may include any of the following, as directed by the department.

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located; or

(ii) Posting near the entrance of the applicant's premises and nearby places; or

(iii) Publishing by the applicant, at his own cost within such time as the director shall prescribe, through a notice form provided by the department, in local newspapers or periodicals or, if appropriate, in a daily newspaper of general circulation;

(b) Notice shall be mailed to any person or group upon request; and

(c) The department shall add the name of any person or group upon request to a mailing list to receive copies of notices for all applications within the state or within a certain geographical area. [Order DE 76-20, § 173-220-050, filed 5/19/76; Order 74-7, § 173-220-050, filed 5/1/74; Order DE 74-1, § 173-220-050, filed 2/15/74.]

WAC 173-220-060 Fact sheets. (1) For every discharge which has a total volume of more than 500,000 gallons on any day of the year, the department shall prepare and, following public notice, shall send, upon request to any person, a fact sheet with respect to the application described in the public notice. The contents of such fact sheets shall include at least the following information:

(a) A sketch or detailed description of the location of the discharge described in the application;

(b) A quantitative description of the discharge described in the application which includes at least the following:

(i) The rate or frequency of the proposed discharge, if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(ii) For thermal discharges subject to the jurisdiction of the department, the average summer and winter temperatures in degrees Fahrenheit; and

(iii) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

(c) Tentative determination of conditions in a proposed permit;

(d) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and

(e) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including:

(i) The 30-day comment period required by WAC 173-220-050(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate in the formulation of the final determinations.

(2) The department shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets. [Order DE 74-1, § 173-220-060, filed 2/15/74.]

WAC 173-220-070 Notice to other government agencies. The department shall notify other appropriate government agencies of each complete application for a

permit and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification shall include the following:

(1) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of a fact sheet to any other states whose waters may be affected by the issuance of a permit and, upon request, providing such states with a copy of the application and a copy of the proposed permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations.

(2) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of a fact sheet to the appropriate district engineer of the Army Corps of Engineers of applications for discharges into navigable waters;

(3) A copy of any written agreement between the department and a district engineer dispensing with requirements of the immediately preceding subsection shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

(4) Copies of public notices for application for permits shall be mailed to any other federal, state, or local agency, or any affected country, upon request. Such agencies shall have an opportunity to respond, comment, or request a public hearing pursuant to WAC 173-220-090. Such agencies shall include at least the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA. [Order DE 74-1, § 173-220-070, filed 2/15/74.]

WAC 173-220-080 Public access to information. (1) Any NPDES forms or any public comment upon those forms shall be available to the public for inspection and copying. The department, at its discretion, may also make available to the public, any other records, reports, plans, or information obtained by the state, pursuant to its participation in the permit process. Nothing herein shall modify the requirements of chapter 1, Laws of 1973, where applicable.

(2) The department shall protect any information (other than effluent) contained in such form, or other records, reports, or plans as confidential upon a showing by any person that such information if made public would divulge methods of processes entitled to protection as trade secrets of such person. If, however, the information being considered for confidential treatment is contained in a form, the department shall forward such information to the regional administrator for his concurrence in any determination of confidentiality. Upon arriving at his determination as to confidentiality, the regional administrator shall communicate to the department his decision. If such determination is not to concur with withholding of such information, the department and the regional administrator shall then make available to the public, upon request, that information determined not to constitute trade secrets.

(3) Any information accorded confidential status, whether or not contained in a form, shall be disclosed, upon request, to the regional administrator, or his authorized representative, who shall maintain the disclosed information as confidential.

(4) Facilities for the inspection of information relating to forms shall be provided by the department and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either (a) insure that a machine or device for the copying of papers and documents is available for a reasonable fee, or (b) otherwise provide for or coordinate with copying facilities or services such that requests for copies of nonconfidential documents may be honored promptly. [Order DE 74-1, § 173-220-080, filed 2/15/74.]

WAC 173-220-090 Public hearings. The applicant, any affected state, any affected interstate agency, any affected country, the regional administrator, or any interested agency, person, or group of persons may request a public hearing with respect to permit applications. Any such request for a public hearing shall be filed within the 30-day period prescribed in WAC 173-220-050(2) and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The department shall hold a hearing if it determines there is a significant public interest. Instances of doubt will be resolved in favor of holding the hearing. Any hearing brought pursuant to this subsection shall be held at a time and place deemed appropriate by the department. [Order DE 74-1, § 173-220-090, filed 2/15/74.]

WAC 173-220-100 Public notice of public hearings. (1) Public notice of any hearing held pursuant to WAC 173-220-090 above shall be circulated at least as widely as was the notice of the application. Procedures for the circulation of public notice for hearings held under WAC 173-220-090 shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice or the fact sheet for the application;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least thirty (30) days in advance of the hearing.

(2) The contents of public notice of any hearing held in pursuant to WAC 173-220-090 shall include at least the following:

(a) Name, address, and phone number of agency holding the public hearing;

(b) Name and address of each applicant whose application will be considered at the hearing;

(c) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway;

(d) A brief reference to the public notice issued for each application, including identification number and date of issuance;

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

(g) Address and phone number of premises at which interested persons may obtain information;

(h) A brief description of the nature of the hearing; and

(i) A concise statement of the issues raised by the persons requesting the hearing, when applicable. [Order DE 74-1, § 173-220-100, filed 2/15/74.]

WAC 173-220-110 Permit preparation. The department will prepare tentative staff determinations with respect to a permit application in advance of public notice of the proposed issuance or denial of a permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge described in the application; and

(2) If the determination is to issue the permit, the following additional tentative determinations shall be organized into a draft permit:

(a) Proposed effluent limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(c) A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application. [Order DE 74-1, § 173-220-110, filed 2/15/74.]

WAC 173-220-120 Prohibited discharges. No permit issued by the department shall authorize any person to:

(1) Discharge any radiological, chemical or biological warfare agent or high-level radioactive waste into navigable waters;

(2) Discharge any pollutants which the secretary of the army acting through the chief, corps of engineers, finds would substantially impair anchorage and navigation;

(3) Discharge any pollutant to which the regional administrator, not having waived his right to object pursuant to section 402(e) of the FWPCA, has objected in writing pursuant to section 402(d) of the FWPCA;

(4) Discharge from a point source any pollutant which is in conflict with the plan or amendment thereto approved pursuant to section 208(b) of the FWPCA. [Order DE 74-1, § 173-220-120, filed 2/15/74.]

WAC 173-220-130 Effluent limitations, water quality standards and other requirements for permits. (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301 and 302 of the FWPCA;

(b) Standards of performance for new sources under section 306 of the FWPCA;

(c) Effluent standards, effluent prohibitions and pretreatment standards under section 307 of the FWPCA;

(d) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to provide all known, available and reasonable methods of treatment.

(e) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

(f) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraphs (a), (b), and (c) of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards. In any case where an issued permit applies any more stringent effluent limitation, based upon applicable water quality standards, a waste load allocation shall be prepared to insure that the discharge authorized by the permit is consistent with applicable water quality standards.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge. [Order DE 74-1, § 173-220-130, filed 2/15/74.]

WAC 173-220-135 Signing of permits. Permits authorized for issuance under chapter 173-220 WAC may be signed by the director or any person designated in WAC 173-06-030. [Order DE 74-1, § 173-220-135, filed 2/15/74.]

WAC 173-220-140 Schedules of compliance. (1) In addition to the application of the effluent standards and limitations, water quality standards, and other legally applicable requirements, all pursuant to WAC 173-220-130(1), (2), the department shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water

quality standards, and other legally applicable requirements:

(a) With respect to any discharge which is found not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC 173-220-130(1)(d), (e), the permittee shall be required to take specific steps to achieve compliance with the following:

(i) Any legally applicable schedule of compliance contained in

(I) applicable effluent standards and limitations;

(II) if more stringent, water quality standards; or

(III) if more stringent, legally applicable requirements listed in WAC 173-220-130(1)(d), (e); or

(ii) In the absence of any legally applicable schedule of compliance, in the shortest, reasonable period of time, such period to be consistent with the guidelines and requirements of the FWPCA.

(2) In any case where the period of time for compliance specified in paragraph (1)(a) of this section exceeds nine (9) months, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than nine (9) months elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than nine (9) months and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement. For each permit schedule of compliance, interim dates and the final date of compliance shall, to the extent practicable, fall on the last day of the months of March, June, September, and December.

(3) Either before or up to 14 days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(4) On the last day of the months of February, May, August, and November, the department shall transmit to the regional administrator a list of all instances, as of 30 days prior to the date of such report, of failure or refusal of a permittee to comply with an interim or final requirement or to notify the department of compliance with each interim or final requirement (as required pursuant to paragraph (2) of this section). Such list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

(a) Name and address of each noncomplying permittee;

(b) A short description of each instance of noncompliance (e.g., failure to submit preliminary plans, 2-week delay in commencement of construction of treatment facility; failure to notify department of compliance with interim requirement to complete construction by June 30, etc.)

(c) A short description of any actions or proposed actions by the permittee or the department to comply or enforce compliance with the interim or final requirement; and

(d) Any details which tend to explain or mitigate an instance of noncompliance within interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement in a permit such noncompliance shall constitute a violation of the permit for which the department may modify, suspend or revoke the permit or take direct enforcement action. [Order DE 74-1, § 173-220-140, filed 2/15/74.]

WAC 173-220-150 Other terms and conditions. (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(i) violation of any term or condition of the permit;

(ii) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

(iii) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) to enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit subject to any access restrictions due to the nature of the project;

(ii) to have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) to inspect any monitoring equipment or method required in the permit; or

(iv) to sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works

from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) the quality and quantity of effluent to be introduced into such treatment works; and

(II) any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

(3) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA. [Order DE 74-1, § 173-220-150, filed 2/15/74.]

WAC 173-220-160 Transmission to regional administrator of issued permit. The department shall transmit to the regional administrator a copy of the final draft of every proposed permit immediately upon its preparation. The department shall also transmit a copy of every issued permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of such permit or which affect the authorization by the permit of the discharge of pollutants. [Order DE 74-1, § 173-220-160, filed 2/15/74.]

WAC 173-220-170 Relationship with non-NPDES permits. Discharges of pollutants or other wastes that require permits from the department under RCW 90-.48.160, which are not satisfied through permits issued under this chapter, shall be subject to the permit requirements of RCW 90.48.160, et seq. [Order DE 74-1, § 173-220-170, filed 2/15/74.]

WAC 173-220-180 Duration and replacement of existing permit. (1) Permits shall be issued for fixed terms not exceeding five (5) years.

(2) Any permittee shall make application for replacement to existing permits or continuation of discharges after the expiration date of his permit by filing with the department an application for replacement of his permit at least 180 days prior to its expiration. The filing requirement for replacement shall be satisfied by written request for replacement by the permittee to the department, unless the department, at its discretion, requires a permittee to request a replacement by submitting to the department all applicable forms.

(3) The scope and manner of any review of an application for replacement of a permit by the department shall be sufficiently detailed as to insure the following:

(a) That the permittee is in compliance with or has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit;

(b) That the department has up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, content and frequencies of permittee's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the department by the permittee; and

(c) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-220-130, including any additions to, or revisions or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(4) The notice and public participation procedures specified in WAC 173-220-050 through 173-220-100 are applicable to each request for replacement of a permit.

(5) Notwithstanding any other provision in this part, any point source, the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance, shall not be subject insofar as the FWPCA is concerned to any more stringent standard of performance during a ten (10) year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first. [Order DE 74-1, § 173-220-180, filed 2/15/74.]

WAC 173-220-190 Modification, suspension, and revocation of permits. (1) Any permit issued under this chapter can be modified, suspended or revoked in whole or in part by the department for cause including, but not limited to, the causes listed in WAC 173-220-150(1)(b), or for failure or refusal of the permittee, to carry out the requirements of WAC 173-220-150(1)(c).

(2) The department may, upon request of the permittee, revise or modify a schedule of compliance or operating conditions in an issued permit if it determines good and valid cause (such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control) exists for such revision.

(3) For publicly owned treatment works having an average daily discharge greater than 0.5 m.g.d. and for industrial or commercial sources with an average daily discharge greater than 0.1 m.g.d., any modification of permits under paragraph (2) of this section shall be granted only after the regional administrator is notified

of the change and fails to object in writing within a 30-day period following receipt of notice. In those instances determined by the department to be of an emergency nature where immediate action is required for the safety and welfare of the public and its environment, such action may immediately be taken provided the regional administrator is concurrently notified thereof.

(4) The department shall modify, suspend or revoke permits only after public notice and opportunity for public hearing as provided in this chapter in those instances where: (a) a permit is so modified as to increase the stringency of its conditions, or (b) changes are proposed which lessen the stringency of effluent limitations.

In all other instances, the form of public notice and public participation, if any, shall be determined by the department on a case-by-case basis according to the significance of the proposed action.

(5) All revisions or modifications made pursuant to paragraph (2) of this section, during the period ending 30 days prior to the date of transmission of such list, shall be included in the list prepared by the department pursuant to WAC 173-220-140(4).

(6) Nothing herein shall apply to permits remanded to the department for modification by the pollution control hearings board. [Order DE 74-1, § 173-220-190, filed 2/15/74.]

WAC 173-220-200 Transfer of permit. No permit shall be transferred to a third party without prior written approval from the department. Such approval may be granted by the department where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the department. [Order DE 74-1, § 173-220-200, filed 2/15/74.]

WAC 173-220-210 Monitoring, recording and reporting. (1) Monitoring.

(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).

(b) Any discharge authorized by a permit which

(i) is not a minor discharge,

(ii) the regional administrator requests, in writing, be monitored, or

(iii) contains toxic pollutants for which an effluent standard has been established by the administrator pursuant to section 307(a) of the FWPCA, shall be monitored by the permittee for at least the following:

(I) Flow (in gallons per day); and,

(II) All of the following pollutants:

(A) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(B) Pollutants which the department finds could have a significant impact on the quality of navigable waters;

(C) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring; and,

(D) Any pollutants in addition to the above which the regional administrator requests, in writing, be monitored.

(c) Each effluent flow or pollutant required to be monitored pursuant to paragraph (b) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) the dates analyses were performed;

(iii) who performed the analyses;

(iv) the analytical techniques/methods used; and,

(v) the results of such analyses; and,

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of a sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee. [Order DE 74-1, § 173-220-210, filed 2/15/74.]

WAC 173-220-220 Control of disposal of pollutants into wells. (1) The disposal of pollutants into wells, excepting in the most extraordinary circumstances, is not authorized by the department.

(2) All applications requesting permission to dispose of pollutants into wells shall be processed in the same manner as any other permit application as provided in this chapter.

(3) Under the extraordinary circumstance where an application for a permit is approved, the department shall include terms and conditions which shall control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare. [Order DE 74-1, § 173-220-220, filed 2/15/74.]

WAC 173-220-230 Enforcement. (1) The department, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any permits or conditions thereof without the necessity of a prior revocation of the permit;

(2) The department may enter any premises in which an effluent source is located or in which records are required to be kept under terms or conditions of a permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, or effluent standards and limitations, or of permits or terms or conditions thereof;

(3) The department may assess or, with the assistance of the attorney general, sue to recover in court, such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of (a) any effluent standards and limitations or water quality standards, (b) any permit or term or condition thereof, (c) any filing requirements, (d) any duty to permit or carry out inspection, entry, or monitoring activities, or (e) any rules, regulations, or orders issued by the department.

(4) The department may request the prosecuting attorney to seek criminal sanctions for the violation by such persons of (a) any effluent standards and limitations or water quality standards, (b) any permit or term or condition thereof, (c) any filing requirements.

(5) The department, with the assistance of the prosecuting attorney, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any monitoring device or method required to be maintained by the department. [Order DE 74-1, § 173-220-230, filed 2/15/74.]

WAC 173-220-240 Relationship of department of ecology to permits issued by the thermal power plant site evaluation council. (1) The thermal power plant site evaluation council (TPPSEC) shall be the state agency to receive applications for, issue, and modify permits for thermal power plants subject to chapter 80.50 RCW. Processing of such applications shall be controlled by chapter 463-16 WAC. Application for issuance and modification of permits for all other thermal power plants shall be the responsibility of the department.

(2) Monitoring, recording, and reporting activities required of operators of all thermal power plants by the terms of a permit issued by TPPSEC shall be supervised and enforced by the department.

(3) The department shall carry on an inspection program for the periodic inspection (to be performed not less than once every year) of discharges of pollutants from thermal power plants authorized by a permit issued by TPPSEC. Such inspections shall determine compliance or noncompliance with issued permits and, in particular, compliance or noncompliance with specific effluent limitations and schedules of compliance in such permits.

(4) The department shall carry on a surveillance program with respect to thermal power plant discharges for the random sampling and analysis of the discharge for the purpose of identifying occasional and continuing violations of permit conditions and the accuracy of information submitted by permittees in reporting forms.

(5) Enforcement activities regarding the NPDES program, including the levying of civil and criminal fines pertaining to all thermal power plants, whether the permit is issued by the department or TPPSEC, shall be undertaken by the department, TPPSEC, the attorney general, or the prosecuting attorney, as appropriate.

(6) Nothing in this section shall authorize the department to undertake enforcement or monitoring activities in a manner not consistent with the terms and conditions of any TPPSEC-issued NPDES permit. [Order DE 74-1, § 173-220-240, filed 2/15/74.]

Chapter 173-225 WAC
FEDERAL WATER POLLUTION CONTROL ACT——ESTABLISHMENT OF IMPLEMENTATION PROCEDURES OF APPLICATION FOR CERTIFICATION

WAC

173-225-010 Introduction.
173-225-020 Purpose.
173-225-030 Public notice and public hearings.

WAC 173-225-010 Introduction. Section 401 of the Federal Water Pollution Control Act (FWPCA) provides that applicants for a license or permit from the federal government relating to any activity which may result in any discharge into the navigable waters shall obtain a certification from the state in which the discharge originates, or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the FWPCA. The department of ecology, under chapter 90.48 RCW, has been designated as the state water pollution control agency for all purposes of the FWPCA, and is authorized to participate fully in the programs of that act as well as to take all action necessary to meet the requirements thereof. [Order 73-29, § 173-225-010, filed 11/15/73.]

WAC 173-225-020 Purpose. The purpose of this regulation is to establish procedures for public notice and public hearings in relation to the processing of applications for certification required by section 401 of the FWPCA. [Order 73-29, § 173-225-020, filed 11/15/73.]

WAC 173-225-030 Public notice and public hearings. Whenever an application for certification required by section 401 of FWPCA is filed with the department of ecology, the following procedures pertaining to public notice and public hearings shall apply:

(1) Public notice of an application shall be performed in relation to all applications, as follows:

(a) By mailing notice of the application for certification to persons and organizations who have requested the same and to all others deemed appropriate; and

(b) When determined by the department as desirable in the public interest, by publication of a notice twice, once each on the same day of the week in two consecutive weeks, in a newspaper of general circulation in the county in which the activity described in the application is located, and in such other counties as are deemed appropriate by the department. The applicant for a certification shall be required to cause such notice to be published in a form approved by the department and the applicant shall bear the cost of such publication and provide an affidavit of publication to the department.

(2) Any person desiring to present views on the application in relation to water pollution control considerations shall do so by providing the same in writing to the regional office of the department of ecology identified in the notice of application within 20 days after notice of the application was last published or such longer period of time as the director may determine, or, in the case where notice is provided only by WAC 173-225-030(1)(a), within the time period stated in said notice.

(3) If the department determines there is sufficient public interest in any application, a public hearing for the submission of oral views as well as written views shall be held. When this determination is made before notice of application is performed, such notice shall set forth the time and place of the hearing; otherwise, a separate notice of public hearing shall be made and such notice shall be distributed and published in the manner provided in WAC 173-225-030(1). Whenever a public hearing is to be held, the requirement of WAC 173-225-030(2) above in relation to the timing of submitting written views shall not apply, but the deadline for submitting written views shall be set forth in the notice announcing the hearing. [Order DE 75-6, § 173-225-030, filed 3/7/75; Order 73-29, § 173-225-030, filed 11/15/73.]

Chapter 173-230 WAC
CERTIFICATION OF OPERATORS OF WASTE WATER TREATMENT PLANTS

WAC

173-230-010 General.
173-230-020 Definitions.
173-230-030 Duties of the board.
173-230-040 Certification required.
173-230-050 Certification prerequisites.
173-230-060 Applications.
173-230-070 Examination.
173-230-080 Certificate term and renewals.
173-230-090 Fees.
173-230-100 Suspension and revocation.
173-230-110 Reciprocity.
173-230-120 Appeals.
173-230-130 Violations.
173-230-140 Classification of waste water treatment plants.

WAC 173-230-010 General. One of the basic requirements of the waste water treatment plant operator certification act of 1973 (chapter 139, Laws of 1973) is to have every operator in responsible charge of a waste water treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications. [Order 73-30, § 173-230-010, filed 11/9/73.]

WAC 173-230-020 Definitions. (1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the waste water operators certification board of examiners established by chapter 139, Laws of 1973.

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Waste Treatment Plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial waste water works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or state of Washington who is designated by the employing or appointing officials as the person on site and in responsible charge of the actual operation of a waste treatment plant. [Order 73-30, § 173-230-020, filed 11/9/73.]

WAC 173-230-030 Duties of the board. (1) Recommend to the director classification of waste water treatment plants and maintain records thereof.

(2) Develop operator qualification standards consistent with the waste water treatment plant classification system and examine the qualifications of applicants for certification.

(3) Assist in the development of rules and regulations; prepare, administer and evaluate examinations of operator competency as required by law, and recommend the issuance or revocation of certificates.

(4) Encourage to become certified operating personnel other than those who are required to be certified by the virtue of their responsibility as operator in charge.

(5) Maintain records of operator qualifications, certifications, and a register of certified operators. [Order 73–30, § 173–230–030, filed 11/9/73.]

WAC 173–230–040 Certification required. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a waste treatment plant unless the operator in responsible charge of day–to–day operation of the plant holds an effective certificate issued by the director.

(2) When a waste treatment plant is operated on more than one daily shift, the operator for each shift shall be certified. [Order 73–30, § 173–230–040, filed 11/9/73.]

WAC 173–230–050 Certification prerequisites. (1) Certificates shall be issued only upon application and only after payment of fees as required herein.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to operators who on July 1, 1973, held certificates of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to persons verified by the governing body or owner to have been operators of a waste treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. Certificate issued under this subsection shall be temporary in nature and nonrenewable. If a position is vacated by the holder of an effective temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

(3) Except as provided in (2) above, certificates in appropriate classifications shall be issued only after successful completion of an examination as provided for in WAC 173–230–070. [Order 73–30, § 173–230–050, filed 11/9/73.]

WAC 173–230–060 Applications. (1) Applications shall be filed with the secretary of the board. The secretary of the board shall make application forms available on request.

(2) Upon receipt of an application, the secretary of the board shall assemble all the information needed to determine eligibility of the applicant for examination, or when no examination is required, to determine the eligibility of the applicant for certification.

(3) The secretary of the board shall review applications and supporting documents, and determine the eligibility of the applicant.

(a) If no examination is required, the secretary of the board shall forward recommendations for certification to the director.

(b) If an examination is required, the secretary of the board shall notify the applicant of his status of eligibility for examination. [Order 73–30, § 173–230–060, filed 11/9/73.]

WAC 173–230–070 Examination. (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board and the applicant notified of pass or fail. Examinations will not be returned to the applicant.

(4) Applicants who fail to pass an examination may repeat the same examination at no additional fee at the subsequent regularly scheduled examination.

(5) The board shall forward its recommendations for certification of those examined to the director. [Order 73–30, § 173–230–070, filed 11/9/73.]

WAC 173–230–080 Certificate term and renewals. (1) The term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty–first of December of the same year.

(2) Except as provided in WAC 173–230–050(2)(b) and (c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. [Order 73–30, § 173–230–080, filed 11/9/73.]

WAC 173–230–090 Fees. (1) Except for applications for certificates under WAC 173–230–050(2)(a), initial applications will be accepted for processing only when accompanied by an application fee of ten dollars ($10.00).

(2) Except as provided under WAC 173–230–070(4), applications for re–examination will be accepted for processing only when accompanied by an application fee of ten dollars ($10.00).

(3) Applications for certificate renewals will be accepted for processing only when accompanied by an renewal fee of five dollars ($5.00).

(4) All receipts hereunder shall be paid into the state general fund. [Order 73–30, § 173–230–090, filed 11/9/73.]

WAC 173–230–100 Suspension and revocation. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty (30) days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the certificate holder and the certificate shall be revoked ten (10) days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

(a) fraud or deceit in obtaining the certificate.

(b) gross negligence in the operation of a waste treatment plant.

(c) violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final. [Order 73-30, § 173-230-100, filed 11/9/73.]

WAC 173-230-110 Reciprocity. If another state accepts certifications issued pursuant to this chapter, the director shall accord operators certified by such state reciprocal treatment, when in his judgment, upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state. [Order 73-30, § 173-230-110, filed 11/9/73.]

WAC 173-230-120 Appeals. Decisions of the director under this chapter may be appealed within thirty (30) days from the date of notice thereof to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. [Order 73-30, § 173-230-120, filed 11/9/73.]

WAC 173-230-130 Violations. Violation of this chapter is a misdemeanor. Each day of operation in violation hereof constitutes a separate offense. Upon conviction, violators are subject to fines not exceeding one hundred dollars ($100.00) for each offense. Injunctions may be obtained for continuing violations. [Order 73-30, § 173-230-130, filed 11/9/73.]

WAC 173-230-140 Classification of waste water treatment plants. Waste water treatment plants are classified in four groups, according to the total point rating as derived from the items listed below. Assignment of treatment works to the proper classification group will be made by the director.

(1) **PLANT CLASS:**
(a) Class IV – 1 – 25 total points.
(b) Class III –26 – 50 total points.
(c) Class II – 51 – 70 total points.
(d) Class I – 71 or more total points.

	Rating Value
(2) **DESIGN FLOW** (Example: 1 to 5 mgd= 1 point; 5.1 to 10 mgd= 2 points, etc.)	1 per 5 mgd, not to exceed 20 points
(3) **POPULATION EQUIVALENT (P.E.)**	1 per 5,000 P.E., not to exceed 20 points
(4) **PRE-TREATMENT UNITS**	
(a) Manually cleaned screens	1
(b) Mechanically cleaned screens	2
(c) Grit removal	3
(d) Pre-aeration	1
(e) Comminutor, barminutors, grinders, etc.	1
(f) Plant pumping	3
(5) **PRIMARY TREATMENT UNITS**	
(a) Imhoff tanks, spirogesters, Clarigesters, etc.	3
(b) Primary clarifiers	5
(c) Primary clarifiers utilizing settling aid chemicals	9
(6) **SECONDARY TREATMENT UNITS**	
(a) Trickling filter (without recirculation)	5
(b) Trickling filter (with recirculation)	7
(c) Activated sludge	
(i) Mechanical aeration	8
(ii) Diffused or dispersed air	10
(iii) Oxidation ditch	8
(iv) Pure oxygen	13
(d) Stabilization ponds	5
(e) Stabilization ponds with aeration	7
(f) Secondary clarifiers	5
(7) **TERTIARY TREATMENT UNITS**	
(a) Polishing pond	2
(b) Land disposal of effluent	5
(c) Chemical treatment for phosphorus removal	5
(d) Activated carbon beds (with carbon regeneration)	10
(e) Activated carbon beds (without carbon regeneration)	8
(f) Sand or mixed-media filters	4
(g) Other nutrient removal processes following secondary treatment	10
(8) **DISINFECTION**	4
(9) **SLUDGE TREATMENT**	
(a) Sludge digesters (anaerobic)	4
(i) If heated, add	3
(ii) If mechanically or gas mixed, add	2
(b) Sludge digesters (aerobic)	6
(c) Drying beds or evaporation lagoons	2
(d) Thickener clarifier	5

	Rating Value
(e) Vacuum filter	7
(f) Centrifuge	7
(g) Incinerator	10
(h) Utilizing digester gas for other than heating purposes	3

When a waste treatment plant handles a complex waste or a unique treatment process that is not reflected in the classification system, the director upon recommendations of the board may establish a classification consistent with the intent of the above classification system. [Order 73-30, § 173-230-140, filed 11/9/73.]

Chapter 173-301 WAC

REGULATIONS RELATING TO MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

WAC

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WAC 173-301-100 Authority and purpose. This regulation is promulgated under the authority of chapter 70.95 RCW. The purpose of this regulation is to set minimum functional standards for the proper handling of all solid waste originating from residences, commercial, agriculture and industrial operations and other sources, in order to prevent land, air and water pollution, breeding of flies, harboring of rodents, fire hazards; and to prevent damage to recreational values, to conserve resources, to maintain esthetic values, and prevent damage to the environment, and to prevent nuisances.

It is a further purpose of this chapter to spell out the responsibilities of the persons involved, of local, county, and regional agencies, as well as those of the state and of the federal government under the existing laws and regulations, such as RCW 7.48.120, 43.20.050, 49.16-.120, 49.20.020, chapters 70.94, 70.95, 70.98, 90.48

RCW, chapters 101, 109, and 293 Laws of 1971 ex. sess. and chapters 248–62, 296–25, 402–24 WAC.

These are *minimum* standards, below which there is environmental or esthetic damage. Many operations surpass many of these minima now. With a firm resolve and dedication, most of the minima should be far surpassed. Because all local conditions cannot be anticipated, these minima must be used with common sense, but subminimal operations must be carefully substantiated. [Order DE 72–21, § 173–301–100, filed 10/26/72.]

WAC 173–301–101 Other agencies. Reference is made in these standards to federal, state and local agencies, including department of ecology, department of labor and industries, corps of engineers, municipalities, boards of health, jurisdictional health departments, fire control agencies, air pollution control agencies, building departments, and zoning agencies. It is the responsibility of persons operating, or proposing to operate solid waste handling facilities to contact all jurisdictional agencies before starting operations. [Order DE 72–21, § 173–301–101, filed 10/26/72.]

WAC 173–301–105 Effects on pollution, public health and safety. Improper handling of solid waste has an effect on pollution, public health and safety including but not limited to:

(1) Generally speaking, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance–free storage, collection, transportation and disposal is of vital impact on every human being, human habitat or human community. For these reasons the handling of solid waste is of vital, though often unpleasant, concern of all citizens, citizens' organizations, leaders of agriculture, commerce, and industry, and government agencies at all levels, including aspects of health, safety, transportation, planning and, ultimately, taxation.

(2) Leachate from landfills, and/or incinerator storage pits, and process water, is a biologically and chemically enriched liquid often with high iron content and high content of soluble materials. It can pollute both ground and surface waters and create serious odor nuisances.

(3) Discarded motor vehicles are a large, unsightly nuisance, which are expensive to eliminate. The need to remove upholstery and plastic before certain types of reclamation may lead to burning the cars, causing air pollution.

(4) Rubber tires and many plastics are not biodegradable. They are combustible, but their open burning is prohibited due to the intense black smoke and acrid fumes generated. They may be burned in specially designed incinerators.

(5) Flies are the carriers of communicable diseases. Exposed garbage in a garbage can produces an average of about eleven hundred (1100) larvae per week, with a maximum of about twenty four thousand (24,000). These larvae will develop into adult flies within four (4) days in hot summer weather. Flies can enter garbage cans through openings as small as one–eighth (1/8) inch.

(6) Cockroaches are carriers of diseases; they are unsightly and enter kitchens and food storerooms for food. Unclean storage areas due to spillage or leakage of garbage are their feeding grounds.

(7) Rodents, particularly rats, are dangerous disease carriers and destroy human food, animal feed and will chew holes through doors, ceilings, pipes and climb vertically many feet to reach the food. They will attack humans when in distress. Unclean and improperly constructed storage areas attract them and provide food and harborage for them.

(8) Paper, cartons and other loose solid waste is easily windblown and thus becomes unsightly and inflammable litter.

(9) Dogs, racoons, cats, and similar mammals will try hard to enter, or turn over garbage cans in order to get at the food materials. Rats can chew through plastic containers.

(10) Thirty–gallon (30) containers, made of metal or plastic, are generally used for residential and small commercial storage. They must be lifted and dumped by the workmen. Their handling should cause a minimum of injuries. Fifty (50) gallon barrels are awkward and heavy.

(11) The garbage containers are subject to severe wear and tear and corrosion.

(12) Tin cans and bottles with remainders of food and water are potential breeding grounds for mosquitos and other insects.

(13) Bulky waste, such as demolition waste, lumber, crates, bed frames and springs, and discarded utensils are a personal hazard and will provide harborage for rodents.

(14) Broken glass, sharp–edged tin cans, projecting nails, and the like are a cause of personal injury. [Order DE 72–21, § 173–301–105, filed 10/26/72.]

WAC 173–301–110 Definitions. (1) "Agricultural Solid Wastes" are wastes resulting from the production of farm or agricultural products including manures wherever produced.

(2) "Ashes" is the residue from the burning of wood, coal, coke or other combustible materials.

(3) "Bulky Waste" is large items of refuse, such as appliances, furniture, trees and stumps, and other oversize wastes.

(4) "Collecting Agency" is any agency, business or service operated by a person, or a private, or municipal corporation for the collecting of solid waste.

(5) "Composting" is the controlled microbial degradation of organic waste yielding a nuisance–free product.

(6) "Container, storage, individual, reusable," is a durable, corrosion–resistant, rodent–resistant, easily cleanable container with tight fitting lids and equipped with suitable handles with a capacity of 32 gallons or less.

(7) "Container, storage, individual, disposable," is a wet strength kraft paper or a polyethylene discardable container that is free standing, affixed to a wall, or mounted on or in special racks or boxes with a capacity of 20 to 35 gallon capacity.

(8) "Container detachable," is a partially mechanized self–service refuse storage container for individual or

bulk use, utilizing special equipment for emptying or transporting to the disposal site.

(9) "Disposal Site" is the location where any final treatment, utilization, processing, or deposition of solid waste occurs. (RCW 70.95.030) This includes, but is not limited to, sanitary landfills, incineration, composting, dumps, and grinding, transfer stations, salvage and reclamation sites, hog feeding.

(10) "Garbage" is all putrescible material including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge, and human body wastes.

(11) "Hazardous Wastes" include, but are not limited to, explosives, medical wastes, radioactive wastes, and chemicals which are harmful to the public health or the environment.

(12) "Incineration" is the controlled combustion of solid waste, that yields satisfactory nonputrescible residues and air effluents.

(13) "Incinerator" is a furnace and associated building designed to burn solid wastes under controlled conditions, of more than 50 pounds per hour capacity.

(14) "Industrial Wastes" are waste by–products at manufacturing operations.

(15) "Inert Material" is inactive or neutral solid waste.

(16) "Jurisdictional Health Department" means city, county, city–county or district health department, or its duly authorized representative. (RCW 70.95.030)

(17) "Leachate" is water that has passed through a land–fill or an accumulation of solid waste, containing dissolved and suspended and/or microbial contaminants.

(18) "Light Material" is paper, plastic, cardboard, and other wastes which may be wind transported.

(19) "Litter" is solid waste that is scattered in a careless manner.

(20) "Litter Receptacle" is a specialized storage container for nonputrescible litter approved under the litter control act. (chapter 70.93 RCW)

(21) "Local Fire Control Agency" is a public or private corporation providing fire protection such as a local department or district, the department of natural resources and the U.S. forest service.

(22) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. (RCW 7.48.120)

(23) "Open Burning" is the burning of solid wastes in an open area, or pile; or in a barrel or furnace with inadequate controls which yields an unsatisfactory residue and an unsatisfactory air effluent.

(24) "Person" is an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever. (RCW 70.95.030)

(25) "Premise" is a tract or parcel of land with or without habitable buildings.

(26) "Problem Wastes" are bulky wastes, abandoned vehicles, construction and demolition wastes, industrial wastes, manure, fly ash and such other solid waste that may take special handling.

(27) "Processing" is the operation of solid waste handling that converts it into a useful product.

(28) "Reclamation" is the disposal process in which there is hand and/or mechanical segregation of solid waste for sale and reuse including salvage.

(29) "Reclamation Site" is a location used for the processing or the storage of reclaimed material.

(30) "Recycling" is process of reclamation.

(31) "Sanitary Landfill" is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(32) "Scavenging" is the uncontrolled removal of materials at a disposal site or transfer station.

(33) "Solid Waste" is all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. (RCW 70.95.030)

(34) "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes. (RCW 70.95.030)

(35) "Tipping Floor" is the unloading area for delivering solid waste to an incinerator, transfer station, or reclamation site.

(36) "Transfer Station" is a fixed, supplemental, collection/transportation/disposal facility, used by persons and route collection vehicles to deposit solid wastes into a larger transfer vehicle for transport to the disposal site. This does not include a detachable container used for consolidation of the solid wastes from individuals in rural or small town populations.

(37) "Vector" is a living animal, insect or other arthropod which transmits an infectious disease from one animal or person to another. [Order DE 72–21, § 173–301–110, filed 10/26/72.]

WAC 173–301–120 Solid waste storage. The owner and/or occupant of any premise, business establishment or industry shall be responsible for the safe and sanitary storage of all solid waste accumulated at that premise until it is removed. [Order DE 72–21, § 173–301–120, filed 10/26/72.]

WAC 173–301–121 Solid waste storage——Garbage. (1) Garbage shall be stored in:

(a) Individual or detachable containers as approved by the jurisdictional health department which are durable, corrosion–resistant, nonabsorbent, water–tight, rodent–resistant and easily cleanable containers with a closefitting, cover and which are suitable for handling, with no sharp edges or other hazardous condition.

(b) Other types of containers acceptable to the jurisdictional health department which conform to the intent of this section.

(c) The size and allowable weight of the container shall be determined by the collecting agency subject to agreement with the jurisdictional health department, the municipality, and the customer.

(2) Where garbage and similar putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet garbage storage standards.

(3) Garbage shall be removed from the premises at least once per week.

(4) Any litter container required and approved pursuant to the model litter act (chapter 70.93 RCW) shall be exempt from the provisions of this section. [Order DE 72-21, § 173-301-121, filed 10/26/72.]

WAC 173-301-122 Solid waste storage——Light material. Light materials shall be contained to prevent blowing. [Order DE 72-21, § 173-301-122, filed 10/26/72.]

WAC 173-301-123 Solid waste storage——Hazardous wastes. Hazardous wastes shall be properly labelled and stored inaccessible to the public. (WAC 296-62-070) Wastes from medical and dental clinics, laboratories, hospitals, nursing homes, and the like containing pathogenic, or highly infectious wastes, hypodermic needles, and body parts, shall be stored in disposable opaque plastic or special paper containers or liners with special identification; and shall be stored inaccessible to the public. [Order DE 72-21, § 173-301-123, filed 10/26/72.]

WAC 173-301-124 Solid waste storage——Agricultural wastes. Agricultural wastes shall be stored so as to minimize nuisances, fly, rodent, and odor problems, and water pollution. [Order DE 72-21, § 173-301-124, filed 10/26/72.]

WAC 173-301-125 Solid waste storage——Problem wastes. Problem wastes or other wastes unsuitable for storage containers shall be stored in a nuisance-free manner. [Order DE 72-21, § 173-301-125, filed 10/26/72.]

WAC 173-301-126 Solid waste storage——Storage areas and containers. The storage area and reusable containers shall be maintained in a clean and nuisance free condition. Provisions shall be made for sanitary disposal of leakage and drainage water from stationary compactors and from storage areas. [Order DE 72-21, § 173-301-126, filed 10/26/72.]

WAC 173-301-140 Collection and transportation. The owner and/or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the handling of all solid waste accumulated by him on his property at that premise. [Order DE 72-21, § 173-301-140, filed 10/26/72.]

WAC 173-301-141 Collection and transportation——Prevention of nuisances. The person collecting or transporting solid waste shall be responsible for prevention of littering, or the creation of other nuisances at the loading point, and during transport; and for the proper unloading of the solid waste at an authorized transfer station, or other solid waste disposal site. [Order DE 72-21, § 173-301-141, filed 10/26/72.]

WAC 173-301-142 Collection and transportation——Vehicle construction. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste shall be tightly covered, durable and of easily cleanable construction. These shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair. [Order DE 72-21, § 173-301-142, filed 10/26/72.]

WAC 173-301-143 Collection and transportation——Vehicle spillage. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom. Where spillage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned. [Order DE 72-21, § 173-301-143, filed 10/26/72.]

WAC 173-301-150 Transfer station. A transfer station shall not be established or substantially altered until the site location, facilities and proposed method of operation have been approved by permit from the jurisdictional health department. [Order DE 72-21, § 173-301-150, filed 10/26/72.]

WAC 173-301-151 Transfer station——Application and plans. Application for a transfer station site permit shall be made to the jurisdictional health department on forms prescribed by the department of ecology accompanied by necessary plans and specifications. [Order DE 72-21, § 173-301-151, filed 10/26/72.]

WAC 173-301-152 Transfer station——Architecture and landscaping. A transfer station shall be designed and constructed so as to:

(1) Be esthetically compatible with its environs.

(2) Be surrounded by a fence or by rapidly growing trees or shrubbery, or by natural features so as to be screened from the view of immediately adjacent federal and state highways.

(3) Be sturdy and of easily cleanable materials.

(4) Be free of potential rat harborage.

(5) Be adequately screened to collect blowing light material.

(6) Provide protection of the tipping floor from rain or snow.

(7) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances,

(8) And/or comply with local zoning and building codes. [Order DE 72-21, § 173-301-152, filed 10/26/72.]

WAC 173-301-153 Transfer station——Pollution control and cleanliness. Adequate pollution control measures shall be provided to protect surface and ground water and air from degradation.

(1) Surface runoff water from around the transfer station and from roof drains shall be intercepted and diverted around or under the transfer site.

(2) Surface runoff from the transfer station itself shall not cause violation of applicable receiving water standards.

(3) Air pollution and dust control shall be provided as needed.

(4) Open burning is prohibited.

(5) Odor control shall be provided as needed.

(6) Noise controls shall be provided as needed.

(7) The transfer site shall be maintained in a reasonably clean and sanitary condition. [Order DE 72-21, § 173-301-153, filed 10/26/72.]

WAC 173-301-154 Transfer station——Roads. The approach and exit roads to the transfer station shall be of all-weather construction and maintained in good condition. Traffic separation and control at the site entrance, both on the site and on the public access road, shall be provided when traffic density warrants, as determined by the local traffic engineer. [Order DE 72-21, § 173-301-154, filed 10/26/72.]

WAC 173-301-155 Transfer station——Identification. A sign that identifies the transfer station and shows at least the permit number, name of the site, and hours during which the site is open for public use, what constitutes materials not to be accepted and other necessary information shall be posted at the site entrance. [Order DE 72-21, § 173-301-155, filed 10/26/72.]

WAC 173-301-156 Transfer station——Fire protection. Arrangements shall be made with the local fire protection agency to immediately acquire their services when needed. Adequate on-site fire protection shall be provided as determined by the fire control jurisdiction. [Order DE 72-21, § 173-301-156, filed 10/26/72.]

WAC 173-301-157 Transfer station——Communications. Communications shall be provided. [Order DE 72-21, § 173-301-157, filed 10/26/72.]

WAC 173-301-158 Transfer station——Employee facilities. When an attendant is required, provisions shall be made for employee facilities including shelter, toilets, handwashing facilities, and potable drinking water. (chapter 248-62 WAC) (RCW 43.20.050) [Order DE 72-21, § 173-301-158, filed 10/26/72.]

WAC 173-301-159 Transfer station——Attendant. When the transfer station is open to the public, it shall be manned or visually monitored. [Order DE 72-21, § 173-301-159, filed 10/26/72.]

WAC 173-301-160 Transfer station——Safety. An adequate safety program shall be provided as outlined by the department of labor and industries. (chapter 296-25 WAC) [Order DE 72-21, § 173-301-160, filed 10/26/72.]

WAC 173-301-161 Transfer station——Vector control. Effective means shall be taken to control vectors, rodents and other vermin. [Order DE 72-21, § 173-301-161, filed 10/26/72.]

WAC 173-301-162 Transfer station——Records. Records, on appropriate forms, of weights (or volumes) of wastes received for transfer, problem wastes received, and major deviations from the plan of operation shall be maintained. [Order DE 72-21, § 173-301-162, filed 10/26/72.]

WAC 173-301-163 Transfer station——Confined tipping. Tipping of solid waste shall be confined to as small an area as practicable. Adequate control of windblown materials shall be provided. [Order DE 72-21, § 173-301-163, filed 10/26/72.]

WAC 173-301-164 Transfer station——Scavenging. There shall be no scavenging at a transfer station. [Order DE 72-21, § 173-301-164, filed 10/26/72.]

WAC 173-301-180 Solid waste disposal site. A solid waste disposal site shall not be established or substantially altered until the site location, facilities and proposed method of operation have been approved by permit from the jurisdictional health department. (chapter 70.95 RCW)

(1) The disposal site shall comply with the county or multi-county comprehensive solid waste management plan and these minimum standards as required by chapter 70.95 RCW.

(2) The disposal site or facility shall be located, designed, constructed, operated and maintained so as to prevent the creation of a nuisance, and shall comply with all state and local requirements including but not limited to, if applicable, zoning, land use, fire protection, water pollution prevention, air pollution prevention and esthetics.

(3) The owner and/or occupant of any premise shall be responsible for the satisfactory and legal disposal of solid wastes generated by his activity. [Order DE 72-21, § 173-301-180, filed 10/26/72.]

WAC 173-301-181 Solid waste disposal site——Application and plans. Application for a disposal site permit shall be made to the jurisdictional health department on forms prescribed by the department of ecology, accompanied by necessary plans and specifications detailing existing and proposed facilities and operation. (RCW 70.95.180) The application for new sites or substantially altered sites shall be accompanied by an environmental impact statement. A design report may be necessary. An incinerator application must be accompanied by a "notice of construction." [Order DE 72-21, § 173-301-181, filed 10/26/72.]

WAC 173-301-182 Solid waste disposal site—— Disposal site design, architecture and landscaping. A disposal site shall be designed, constructed, and operated so as to:

(1) Be esthetically compatible with its environs.

(2) Be surrounded by a fence, or by rapidly growing trees or shrubbery or by natural features so as to be screened from the view of immediately adjacent federal and state highways.

(3) Have buildings of sturdy construction, free of potential rat harborages.

(4) Have the unloading area protected to prevent blowing light material onto adjoining areas. Windblown materials shall be collected and returned to the active disposal area.

(5) Have an adequate buffer zone around the operating area,

(6) Provide for measuring or weighing incoming waste.

(7) And/or comply with local zoning and building codes. [Order DE 72-21, § 173-301-182, filed 10/26/72.]

WAC 173-301-183 Solid waste disposal site—— Pollution control. Adequate pollution control measures shall be provided.

(1) Surface runoff water from around the disposal site and from roof drains shall be intercepted and diverted around or under the disposal site.

(2) Surface runoff from the disposal operation itself shall not cause violation of applicable receiving water standards.

(3) Ground water pollution controls shall be provided as needed. The detailed plans for such controls shall be provided.

(4) Air pollution and dust controls shall be provided as needed.

(5) Open burning is prohibited.

(6) Noise controls shall be provided as needed.

(7) The disposal site shall be maintained in a reasonably clean and sanitary condition. [Order DE 72-21, § 173-301-183, filed 10/26/72.]

WAC 173-301-184 Solid waste disposal site—— Roads. The approach and exit roads to the disposal site shall be of all-weather construction and maintained in good condition. Traffic separation and control at the site entrance, both on the site and on the public access road, shall be provided when traffic density warrants, as determined by the local traffic engineer. [Order DE 72-21, § 173-301-184, filed 10/26/72.]

WAC 173-301-185 Solid waste disposal site—— Gate. A gate shall be provided at the entrance to the site for closure whenever the site is closed to public access. [Order DE 72-21, § 173-301-185, filed 10/26/72.]

WAC 173-301-186 Solid waste disposal site—— Employee facilities. Provisions shall be made for employee facilities including shelter, toilets, hand washing facilities, and potable drinking water. (WAC 248-62) [Order DE 72-21, § 173-301-186, filed 10/26/72.]

WAC 173-301-187 Solid waste disposal site—— Disposal site identification. A sign that identifies at least the permit number, name of the site, the hours during which the site is open for public use, what constitutes materials not accepted and other pertinent information shall be posted at the site entrance. [Order DE 72-21, § 173-301-187, filed 10/26/72.]

WAC 173-301-188 Solid waste disposal site—— Fire protection. Arrangements shall be made with the local fire protection agency to immediately acquire their services when needed. Adequate on-site fire protection shall be provided as determined by the fire control jurisdiction. [Order DE 72-21, § 173-301-188, filed 10/26/72.]

WAC 173-301-189 Solid waste disposal site—— Communication. Communications shall be provided. [Order DE 72-21, § 173-301-189, filed 10/26/72.]

WAC 173-301-190 Solid waste disposal site—— Confined unloading. Unloading of solid waste shall be confined to as small an area as possible. [Order DE 72-21, § 173-301-190, filed 10/26/72.]

WAC 173-301-191 Solid waste disposal site—— Reclamation. Reclamation shall not interfere with the disposal site operation. [Order DE 72-21, § 173-301-191, filed 10/26/72.]

WAC 173-301-192 Solid waste disposal site—— Scavenging. Scavenging at a disposal site is prohibited. [Order DE 72-21, § 173-301-192, filed 10/26/72.]

WAC 173-301-193 Solid waste disposal site—— Attendant. When the site is open to the public, it shall be manned or visually monitored. [Order DE 72-21, § 173-301-193, filed 10/26/72.]

WAC 173-301-194 Solid waste disposal site—— Safety. A defined safety program shall be provided as required by the department of labor and industries. (chapter 296-25 WAC) [Order DE 72-21, § 173-301-194, filed 10/26/72.]

WAC 173-301-195 Solid waste disposal site—— Vector control. Effective means shall be taken to control insects, rodents, and other vectors. [Order DE 72-21, § 173-301-195, filed 10/26/72.]

WAC 173-301-196 Solid waste disposal site—— Light material control. Adequate control of windblown materials shall be provided. [Order DE 72-21, § 173-301-196, filed 10/26/72.]

WAC 173-301-197 Solid waste disposal site—— Records. Records, on appropriate forms, shall be maintained on weights (or volumes) of wastes received for disposal, problem wastes received, and major deviations from the plan of operation. [Order DE 72-21, § 173-301-197, filed 10/26/72.]

WAC 173-301-300 Sanitary landfill, leachate control. Plans for a sanitary landfill shall include provisions for interception and treatment of leachate at all sites where the average annual precipitation is 25 inches or more. Interception and treatment may be required at other sites. A sampling and testing program for the leachate and its treated effluent may be required. [Order DE 72-21, § 173-301-300, filed 10/26/72.]

WAC 173-301-301 Sanitary landfill, leachate control——Pollution prevention. (1) The distance separating the bottom of a sanitary landfill disposing of readily decomposable organic waste and hazardous wastes shall be determined on a case-by-case basis. Generally a separation equivalent to four (4) feet of impervious soil shall be the minimum separation between the bottom of the fill and the highest ground water.

(2) Inert materials can be disposed of at landfill sites which affords little or no protection to the ground and surface waters.

(3) Septic tank pumpings and sewage treatment plant sludge disposal shall be determined on a case-by-case basis. Generally, a ratio of sludge or pumpings to other solid waste of 1 to 4 or 1 to 5, such that the moisture content does not exceed 40% will give satisfactory disposal results.

(4) The disposal of problem wastes must be determined on a case-by-case basis.

(5) Medical wastes should be deposited above the ground water dependent on a case-by-case basis and covered as soon as possible after deposition.

(6) Odorous materials shall be covered as soon as possible. [Order DE 72-21, § 173-301-301, filed 10/26/72.]

WAC 173-301-302 Sanitary landfill, leachate control——Gas venting. Provision shall be made for adequate venting or redirecting of gases generated by solid waste, if conditions require. [Order DE 72-21, § 173-301-302, filed 10/26/72.]

WAC 173-301-303 Sanitary landfill, leachate control——Single layer compaction. Each layer of incoming solid waste shall be spread, preferably uphill, in layers of not more than two (2) feet and thoroughly compacted before succeeding layers are added. The slopes of the face preferably shall not exceed thirty (30) degrees nor be less than twenty (20) degrees, or between the slopes of two (2) and three (3) horizontal to one (1) vertical. [Order DE 72-21, § 173-301-303, filed 10/26/72.]

WAC 173-301-304 Sanitary landfill, leachate control——Daily cover. The compacted solid waste shall be compacted and covered fully with at least six (6) inches of compacted soil after each day of operation, or as specified by the jurisdictional health department, and department of ecology. [Order DE 72-21, § 173-301-304, filed 10/26/72.]

WAC 173-301-305 Sanitary landfill, leachate control——Final cover. As soon as possible after reaching the final lift of given area of a site, the area shall be covered with an equivalent of two (2) feet of compacted soil adequately sloped to allow surface water to run off. [Order DE 72-21, § 173-301-305, filed 10/26/72.]

WAC 173-301-306 Sanitary landfill, leachate control——Final surface. The finished surface of the filled area shall be covered with adequate tillable soil and seeded with native grasses or other suitable vegetation immediately upon completion, or as soon as conditions permit. If necessary, slopes shall be covered with straw or other mulch to prevent erosion, both before and after seeding. [Order DE 72-21, § 173-301-306, filed 10/26/72.]

WAC 173-301-307 Sanitary landfill, leachate control——Equipment. Reserve operational equipment shall be available to maintain minimum operating requirements. [Order DE 72-21, § 173-301-307, filed 10/26/72.]

WAC 173-301-308 Sanitary landfill, leachate control——Completion inspection. At the completion of a sanitary landfill the jurisdictional health department shall be notified at least five (5) days in advance in order that a site investigation may be conducted by that agency before earth moving equipment is removed from the property. [Order DE 72-21, § 173-301-308, filed 10/26/72.]

WAC 173-301-309 Sanitary landfill, leachate control——Recurrent inspection and maintenance. Following the completion and abandonment of the sanitary landfill site, and inspection by the health department, necessary maintenance shall be conducted by the owner of this site at the time of abandonment and/or completion until the fill becomes stabilized or for a minimum of five (5) years. Necessary leveling and repairs shall be made. [Order DE 72-21, § 173-301-309, filed 10/26/72.]

WAC 173-301-310 Sanitary landfill, leachate control——Recording with county auditor. Maps and a statement of fact concerning the disposal area shall be recorded as part of the deed with the county auditor not later than three (3) months after the completion of operations. Records and plans specifying materials, location and periods of operation shall be available for inspection. Areas used for the disposal of hazardous wastes shall not be sold or transferred without advanced notification of the jurisdictional health department. [Order DE 72-21, § 173-301-310, filed 10/26/72.]

WAC 173-301-350 Incinerator, applicability of air pollution standards. Incinerators shall be designed and operated in a manner to conform to the current edition of the Oregon-Washington incinerator committee standard. [Order DE 72-21, § 173-301-350, filed 10/26/72.]

WAC 173-301-351 Incinerator, applicability of air pollution standards——Incoming storage. All incoming solid waste shall be confined to the tipping floor. Storage bins shall consist of two or more compartments with separate drains, dust control, and wash down facilities. [Order DE 72-21, § 173-301-351, filed 10/26/72.]

WAC 173-301-352 Incinerator, applicability of air pollution standards——Preuse inspection and performance tests. Upon completion of the plant and prior to initial operation, the jurisdictional health department and local air pollution control authority shall be notified to allow personnel to inspect the plant both prior to and during the performance tests. A report covering the results of the performance tests, with all supporting data in such case, shall be certified by the design engineer of the project and submitted to the health department. [Order DE 72-21, § 173-301-352, filed 10/26/72.]

WAC 173-301-353 Incinerator, applicability of air pollution standards——Residue disposal. All residue removed from the incinerator plant shall be promptly disposed of at an approved sanitary landfill. [Order DE 72-21, § 173-301-353, filed 10/26/72.]

WAC 173-301-354 Incinerator, applicability of air pollution standards——Emergency disposal. Satisfactory emergency disposal of input solid waste in the event of major incinerator plant breakdown shall be provided. [Order DE 72-21, § 173-301-354, filed 10/26/72.]

WAC 173-301-355 Incinerator, applicability of air pollution standards——Drains. Adequate drains shall be provided in the incinerator plants to drain washdown water, dust spray, or surface water carrying organic wastes into the sanitary sewer or special treatment facility. The discharge water after treatment shall not cause violation of applicable water quality standards. [Order DE 72-21, § 173-301-355, filed 10/26/72.]

WAC 173-301-356 Incinerator, applicability of air pollution standards——Disposal of process water. All process water including water from the incinerator shall be discharged into a sanitary sewer or other system approved by the jurisdictional health department and the department of ecology. The discharge water after treatment shall not cause violation of applicable water quality standards. [Order DE 72-21, § 173-301-356, filed 10/26/72.]

WAC 173-301-357 Incinerator, applicability of air pollution standards——Recording pyrometer. A continuously recording pyrometer shall be provided to maintain continuous and permanent records of temperatures in the combustion chambers of furnaces having a capacity of two (2) ton/hr or greater. A copy of such records shall be available to the jurisdictional health department on request. Such records shall be retained for three (3) years. [Order DE 72-21, § 173-301-357, filed 10/26/72.]

WAC 173-301-358 Incinerator, applicability of air pollution standards——Safety. The charging openings as well as all equipment throughout the plant shall be provided with adequate safety equipment prescribed by the department of labor and industries. [Order DE 72-21, § 173-301-358, filed 10/26/72.]

WAC 173-301-359 Incinerator, applicability of air pollution standards——Cleaning. Adequate equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary and clean condition. [Order DE 72-21, § 173-301-359, filed 10/26/72.]

WAC 173-301-400 Compost plant, odorous materials. Odorous materials such as spoiled foods, blood and slaughterhouse wastes shall be immediately covered. [Order DE 72-21, § 173-301-400, filed 10/26/72.]

WAC 173-301-401 Compost plant, odorous materials——Safety. Materials resulting from composting and offered for use by others shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost. [Order DE 72-21, § 173-301-401, filed 10/26/72.]

WAC 173-301-402 Compost plant, odorous materials——Byproducts. Byproducts removed during processing shall be handled and disposed of in a sanitary and nuisance-free manner. [Order DE 72-21, § 173-301-402, filed 10/26/72.]

WAC 173-301-450 Reclamation site. A reclamation site shall not be established or substantially altered until the site location, facilities and proposed method of operation has been approved by permit from the jurisdictional health department.

(1) The reclamation site shall comply with county or multi-county comprehensive solid waste management plan as required by chapter 70.95 RCW.

(2) The reclamation site shall be located, designed, constructed, operated and maintained so as to prevent the creation of a nuisance, and shall comply with all state and local requirements including, but not limited to, if applicable, zoning, land use, fire protection, water pollution prevention, air pollution prevention and esthetics. [Order DE 72-21, § 173-301-450, filed 10/26/72.]

WAC 173-301-451 Reclamation site——Application and plans. Application for a reclamation site permit shall be made to the jurisdictional health department on forms prescribed by the department of ecology accompanied by necessary plans and specifications detailing existing and proposed facilities. (RCW 70.95.180) Applications for new sites or substantially altered sites shall be accompanied by an environmental impact study. A design report may be required. [Order DE 72-21, § 173-301-451, filed 10/26/72.]

WAC 173-301-452 Reclamation site——Architecture and landscaping. A reclamation site shall be designed and constructed so as to:

(1) Be esthetically compatible with its environs.

(2) Be surrounded by a fence, or by rapidly growing trees or shrubbery, or by natural features so as to be screened from immediately adjacent federal and state highways.

(3) Be of sturdy and easily cleanable construction, if applicable.

(4) Be free of potential rat harborage.

(5) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances,

(6) And/or comply with local zoning and building codes. [Order DE 72-21, § 173-301-452, filed 10/26/72.]

WAC 173-301-453 Reclamation site——Pollution control and cleanliness. Adequate pollution control measures shall be provided to protect the environment from degradation:

(1) Surface runoff from the reclamation site shall not cause violation of applicable receiving water standards.

(2) Air pollution and dust controls shall be provided as needed.

(3) Open burning is prohibited.

(4) Odor control shall be provided as needed.

(5) Noise control shall be provided as needed.

(6) Light windblown material shall be controlled.

(7) The reclamation site shall be maintained in a clean and sanitary condition. [Order DE 72-21, § 173-301-453, filed 10/26/72.]

WAC 173-301-454 Reclamation site——Storage. Reclaimed materials, pending use or resale, shall be stored in such a manner as to prevent vector problems and esthetic degradation. Unusable materials shall be properly stored and removed frequently enough so as to prevent nuisances. [Order DE 72-21, § 173-301-454, filed 10/26/72.]

WAC 173-301-455 Reclamation site——Safety. A defined safety program shall be provided as required by the department of labor and industries. (chapter 296-25 WAC) [Order DE 72-21, § 173-301-455, filed 10/26/72.]

WAC 173-301-456 Reclamation site——Employee facilities. Provisions shall be made for employee (paid or volunteer) facilities, including shelter, toilets, hand-washing facilities and potable drinking water. (chapter 248-62 WAC) [Order DE 72-21, § 173-301-456, filed 10/26/72.]

WAC 173-301-457 Reclamation site——Records. Records on appropriate forms shall be maintained of the kinds and weights (or volume) of wastes received for reclamation, the destination of unreclaimable wastes, and major deviations from the plan of operation. [Order DE 72-21, § 173-301-457, filed 10/26/72.]

WAC 173-301-500 Other methods of solid waste handling, processing and disposal. Before any method of solid waste handling, processing and disposal, not otherwise provided for in this chapter, is practiced or placed into operation, complete plans, specifications and design data shall be submitted to the jurisdictional health department for written approval. [Order DE 72-21, § 173-301-500, filed 10/26/72.]

WAC 173-301-610 Nonconforming sites and facilities. Modification of existing sites, facilities, and operating procedures for conformance with the requirements of this chapter shall be accomplished as promptly as possible and in conformance to the county or regional solid waste management plan. When the degree of necessary improvement is of such an extent that immediate compliance cannot be accomplished, special approval shall be requested from the jurisdictional health department. Such a request shall set forth a program for compliance with this chapter along with a time schedule for the commencement and completion of necessary improvements. [Order DE 72-21, § 173-301-610, filed 10/26/72.]

WAC 173-301-611 Abandoned disposal sites. All abandoned nonconforming sites shall be compacted, covered and reseeded by the owner as soon as feasible. [Order DE 72-21, § 173-301-611, filed 10/26/72.]

WAC 173-301-625 Enforcement. The jurisdictional health department shall determine compliance with this chapter, with any local ordinances or regulations and with approved management plans promulgated for satisfactory solid waste storage, collection, transportation and disposal. [Order DE 72-21, § 173-301-625, filed 10/26/72.]

WAC 173-301-626 Inspection. Any duly authorized officer, employee or representative of the jurisdictional health department or other official having jurisdiction may enter and inspect any property, premise or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. [Order DE 72-21, § 173-301-626, filed 10/26/72.]

Chapter 173-302 WAC
HAZARDOUS WASTE REGULATION

WAC

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WAC 173–302–010 Purpose. This regulation implements the Hazardous Waste Disposal Act of 1976, chapter 70.105 RCW, by:

(1) Designating those wastes which are extremely hazardous.

(2) Providing for surveillance and monitoring of extremely hazardous waste until it is detoxified, reclaimed, neutralized, or disposed of safely.

(3) Establishing a state–wide disposal facility for perpetual management of extremely hazardous waste.

(4) Providing the form and rules necessary to accomplish the listing commonly known as a manifest, to be furnished by any person planning to dispose of extremely hazardous waste. [Order DE 77–34, § 173–302–010, filed 12/29/77.]

WAC 173–302–020 Applicability. These regulations shall apply to all generators, treaters, transporters, and the operator of the extremely hazardous waste disposal site in the state of Washington, including extremely hazardous waste crossing the state's boundary. Nothing in this chapter shall apply to radioactive waste. [Order DE 77–34, § 173–302–020, filed 12/29/77.]

WAC 173–302–030 Abbreviations. (1) ASTM – American Society for Testing Materials

(2) APHA – American Public Health Association

(3) CFR – Code of Federal Regulations

(4) °C – degrees Celsius

(5) DW – dangerous waste

(6) EHW – extremely hazardous waste

(7) °F – degrees Fahrenheit

(8) g – gram

(9) kg – kilogram (one thousand grams)

(10) l – liter

(11) lb – pounds

(12) LC_{50} – Lethal Concentration 50 percent kill

(13) LD_{50} – Lethal dose 50 percent kill

(14) M – molar (gram molecular weights per liter of solution)

(15) mg – milligram (one thousandth of a gram)

(16) NIOSH – National Institute for Occupational Safety and Health

(17) pH – a measure of acidity (negative logarithm of the hydrogen ion concentration)

(18) ppm – parts per million (by weight)

(19) RCW – Revised Code of Washington

(20) TLm_{96} – Toxic limit median, 96 hours

(21) USGS – United States Geological Survey

(22) WAC – Washington Administrative Code

(23) % – percent, parts per hundred (by weight)

[Order DE 77–34, § 173–302–030, filed 12/29/77.]

WAC 173–302–040 Definitions. (1) Aquatic LC_{50}: a concentration in mg/l (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warmwater species such as Lepomis macrochirus (bluegill) or Pimephales promelas (flathead minnow), or cold water species such as salmonidae. For example, see most recent "Standard Methods for the Examination of Wastewater," APHA.

(2) Polycyclic Aromatic Hydrocarbons: only those aromatic hydrocarbons which dissolve in petroleum ether; are retained by activated silica gel when elutriated with 20 percent toluene in petroleum ether; and absorb ultraviolet radiation. (For an example procedure, see ASTM D–1319, or D–2549).

(3) Contract: means the written agreement signed by the department and the operator.

(4) Container: any enclosure that is open or closed and portable in which a material can be stored, handled, treated, or disposed.

(5) Corrosive: substances which, when mixed with an equal weight of water, yield a solution with a pH greater than 11 or less than three.

(6) Dangerous Waste: any waste that meets designation and categorization criteria in WAC 173–302–090.

(7) Department: the department of ecology.

(8) Director: the director of the department.

(9) Etiologic Agent: a viable microorganism of its toxin which causes, or may cause, human disease and is limited to those agents listed in 42 CFR 72.25(c) of the regulations of the department of health, education, and welfare.

(10) Explosive: substances capable of producing an explosion, which are not regulated by chapter 296–52 WAC and which:

(a) Evolve heat or gas when heated to 40°C (100°F); or

(b) Evolve gas or heat when mixed with water at 40°C (100°F); or

(c) Contain oxidizers, that is, substances that yield oxygen readily.

(11) Extremely Hazardous Waste (EHW): any waste that meets the designation and categorization in WAC 173–302–100.

(12) Flammable: substances which have a flash point at or below 40°C (100°F), as determined by the Tagliabue open cup tester, or other suitable method.

(13) Generator: any person who generates hazardous waste.

(14) Genetic Properties: having the properties to cause or to significantly contribute to mutagenic, teratogenic, or carcinogenic effects on man or wildlife.

(15) Halogenated Hydrocarbons: only those halogenated hydrocarbons which dissolve in petroleum ether and which, when degraded, form a precipitate with acidic silver nitrate solution. (For an example, of a precipitation procedure, see ASTM D–808, or D–1317).

(16) Hazardous Waste: extremely hazardous waste and dangerous waste as defined in chapter 173–302 WAC.

(17) Hazardous Waste Generation: the act or process of producing hazardous waste.

(18) Heavy Metals: only those heavy metals which form a sulfide precipitate with either a neutral or acidic saturated hydrogen sulfide solution. (For an example, of a precipitation procedure, see ASTM D-811, 1-6).

(19) Manifest: the list used to identify the quantity, composition, origin, routing, and destination of hazardous waste while being transported from point of generation to the point of disposal, treatment, or storage.

(20) Operator: the person operating the extremely hazardous waste facility on the Hanford Reservation under contract with the department.

(21) Oral LD_{50}: the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

(22) Persistence: the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(23) Person: any person, firm, association, county, public, municipal, or private corporation, agency, or other entity whatsoever.

(24) Soluble: dissolving to greater extent than 100 ppm (mg/l) (as measured at room temperature) in boiling (a) 0.1 M (molar) - sodium acetate, or (b) 0.1 M acetic acid, or (c) 0.1 M sodium acetate/0.1 M acetic acid buffer. (ten grams of waste/l).

(25) Toxic: having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(26) Transporter: any person who hauls hazardous waste in any manner between generators, the operator, treaters, and/or any intermediary party.

(27) Treater: any person who processes hazardous wastes to make such wastes nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(28) Triple Rinsing: the cleaning of containers three times, each time using a volume of appropriate cleaner equal to approximately 10 percent of the container's capacity.

(29) Yearly Operating Plan: a written proposal prepared each year by the operator and approved by the department for operating the extremely hazardous waste facility according to this regulation.

(30) Waste: any discarded, unwanted, or abandoned material, but not including materials in commerce. [Order DE 77-34, § 173-302-040, filed 12/29/77.]

WAC 173-302-050 Conference. (1) A person who wants to contest any of the department actions taken under this regulation, including action under Appeal of Designation, WAC 173-302-160, shall request a conference in writing with the director or his designee.

(2) The director or his designee shall convene the conference within fifteen days of receipt of the request. The director or his designee shall notify the applicant in writing of the time and place at least ten days in advance of the conference.

(3) The director or his designee shall issue his decision, in writing, within fifteen days after the conference. [Order DE 77-34, § 173-302-050, filed 12/29/77.]

WAC 173-302-060 Imminent hazard. Notwithstanding any other provision of this chapter, the director or his designee may take immediate action within his authority to avert an imminent and substantial danger to health or the environment caused by improper disposal of any extremely hazardous waste or by the failure to properly dispose of any extremely hazardous waste.

For purposes of this section (WAC 173-302-060) only extremely hazardous waste means any waste as described in RCW 70.105.010(6), regardless of quantity or concentration. [Order DE 77-34, § 173-302-060, filed 12/29/77.]

WAC 173-302-070 Designation of EHW. Extremely hazardous waste will be designated by using information already available. WAC 173-302-080 tells how known information will be used. The Extremely Hazardous Waste Disposal Act makes extremely hazardous waste a subcategory of Dangerous Waste. WAC 173-302-090 sets out all of the criteria that make waste dangerous. Extremely hazardous waste designation is covered in WAC 173-302-100 through 173-302-130. Container and accumulated wastes are clarified in WAC 173-302-140 and 173-302-150. The procedures to be used for waste designation appeal are outlined in WAC 173-302-160. [Order DE 77-34, § 173-302-070, filed 12/29/77.]

WAC 173-302-080 Categorization. (1) Substances shall be categorized by aquatic LC_{50}, as defined in WAC 173-302-040(1), and oral LD_{50}, as defined in WAC 173-302-040(21) as follows:

(a) Category A - any substance which in its pure form has an oral LD_{50} of less than 5 mg/kg, or any substance which in its pure form has an aquatic LC_{50} of less than 1 ppm.

(b) Category B - any substance which in its pure form has an oral LD_{50} of 5 to 50 mg/kg, or any substance which in its pure form has an aquatic LC_{50} of 1 to 10 ppm.

(c) Category C - any substance which in its pure form has an oral LD_{50} of 50 to 500 mg/kg, or any substance which in its pure form has an aquatic LC_{50} of 10 to 100 ppm.

(d) Category D - any substance which in its pure form has an oral LD_{50} of 500 mg/kg to 5 g/kg, or any substance which in its pure form has an aquatic LC_{50} of 100 to 1000 ppm.

(2) Substances with different oral LD_{50} and aquatic LC_{50} categories will be classified in the more restrictive category.

(3) For a listing of oral LD_{50}, refer to the "Registry of Toxic Effects of Chemical Substances," or the most recent toxic substances list of NIOSH.

(4) For a listing of aquatic LC_{50}, refer to the most recent "Determination of Harmful Quantities for Hazardous Substances" in 40 CFR, part 118, or TLm_{96} in the NIOSH "Registry . . ."

(5) For substances not categorized by the references of WAC 173-302-080(3) and (4), or substances with limited data which makes categorization impossible under the described process, the department will categorize the substance based on substances of similar properties, or by suitable test methods. [Order DE 77-34, § 173-302-080, filed 12/29/77.]

WAC 173-302-090 Criteria for dangerous wastes (DW). (1) Any waste with toxic properties is a Toxic Dangerous Waste.

(2) For purpose of regulation, WAC 173-302-090(1) will be interpreted as:

(a) Greater than 50 kg (100 lb) of waste whose oral LD_{50} is numerically less than 5 g/kg or any waste whose aquatic LC_{50} is numerically less than 1,000 ppm.

(b) For ease of interpretation, WAC 173-302-090(2)(a), includes wastes with:

- greater than 0.01% Category A substances,
- greater than 0.1% Category B substances,
- greater than 1% Category C substances, or
- greater than 10% Category D substances.

(3) All quantities of extremely hazardous wastes are Toxic Dangerous Wastes.

(4) Wastes containing etiologic agents are Toxic Dangerous Wastes.

(5) Any waste which is corrosive, explosive, or flammable is a Physically Dangerous Waste.

(6) For purpose of regulation, WAC 173-302-090(5) will be interpreted as greater than 50 kg (100 lb) of wastes with corrosive, explosive, or flammable properties. [Order DE 77-34, § 173-302-090, filed 12/29/77.]

WAC 173-302-100 CRITERIA FOR EXTREMELY HAZARDOUS WASTE (EHW). In the Hazardous Waste Disposal Act of 1976, chapter 70.105 RCW, dangerous wastes are designated extremely hazardous because they:

(1) Are highly toxic to man and wildlife (WAC 173-302-110);

(2) Exist in such quantities as to present an extreme hazard to man or wildlife (WAC 173-302-120);

(3) Persist and affect genetic make-up or may be concentrated by living organisms (WAC 173-302-130).

The sections described here provide the methods of using known properties to designate EHW because of these three criteria. [Order DE 77-34, § 173-302-100, filed 12/29/77.]

WAC 173-302-110 Hazardous due to toxicity to man and wildlife. (1) Any waste whose oral LD_{50} is less than 50 mg/kg shall be designated as EHW, or any waste whose aquatic LC_{50} is less than 10 ppm shall be designated as EHW.

(2) For purpose of regulation, WAC 173-302-110(1) will be interpreted as:

(a) Any waste containing more than 1 percent of category "A" substances and 500 grams (1 pound) of category "A" substances.

(b) Any waste containing more than 10 percent of category "B" substances and 5 kilograms (10 pounds) of category "B" substances.

(3) To regulate wastes having more than one toxic category, WAC 173-302-110(1) will be interpreted as:

Any waste having category "A," "B," and "C" substances shall be extremely hazardous waste when:

$$\%A + \frac{\%B}{10} + \frac{\%C}{100} \text{ is greater than } 1\%$$

and

$$\text{grams A} + \frac{\text{grams B}}{10} + \frac{\text{grams C}}{100} \text{ are greater than 500 grams}$$

$$\left(\text{pounds A} + \frac{\text{pounds B}}{10} + \frac{\text{pounds C}}{100} \text{ are greater than 1 lb}\right)$$

[Order DE 77-34, § 173-302-110, filed 12/29/77.]

WAC 173-302-120 Hazardous due to quantity. (1) Any waste whose oral LD_{50} is less than 500 mg/kg or any waste whose aquatic LC_{50} is less than 100 ppm shall be an EHW when the quantity of such waste exceeds 50 kilograms (100 pounds).

(2) For purpose of regulation, WAC 173-302-120(1) shall be interpreted as:

(a) Any waste containing more than 0.1 percent of category A substances and when the waste contains more than 500 grams (1 pound) of category A substances;

(b) Any waste containing more than 1 percent of category B substances and when the waste contains more than 5 kilograms (10 pounds) of category B substances;

(c) Any waste containing more than 10 percent category C substances and when the waste contains more than 50 kilograms (100 pounds) of category C substances.

(3) For purpose of regulating wastes having more than one toxic category, WAC 173-302-120(1) will be interpreted as:

Any waste having category "A," "B," and "C" substances shall be extremely hazardous waste when:

$$\%A + \frac{\%B}{10} + \frac{\%C}{100} \text{ is greater than } 0.1\%$$

and

$$\text{grams A} + \frac{\text{grams B}}{10} + \frac{\text{grams C}}{100} \text{ are greater than 500 grams}$$

$$\left(\text{pounds A} + \frac{\text{pounds B}}{10} + \frac{\text{pounds C}}{100} \text{ are greater than 1 lb}\right)$$

[Order DE 77-34, § 173-302-120, filed 12/29/77.]

WAC 173-302-130 Hazardous due to persistence and potential hazard. (1) Any waste which because of its persistence has potential genetic and toxic properties is an EHW. (See Definitions, WAC 173-302-040(22), (14), and (25)).

(2) For purposes of regulation, WAC 173-302-130(1) shall be interpreted as: any waste whose quantity is greater than 50 kilograms (100 pounds) and whose concentration of soluble heavy metals, halogenated hydrocarbons, or polycyclic, aromatic hydrocarbons exceeds 1 percent. (See WAC 173-302-040(2), (15), (18), and

(24)). [Order DE 77-34, § 173-302-130, filed 12/29/77.]

WAC 173-302-140 Containers. (1) Empty noncombustible containers that are decontaminated and drained by processes equivalent to triple rinsing, as defined in WAC 173-302-040(28), shall not be considered EHW.

(2) Containers shall not be considered as a part of the waste when measuring or calculating the weight of hazardous waste. [Order DE 77-34, § 173-302-140, filed 12/29/77.]

WAC 173-302-150 Division, dilution, and accumulation. (1) Quantities of continuously generated wastes shall be summed weekly to determine compliance with this regulation.

(2) All wastes generated less frequently than once a week shall be considered as batch or single event wastes.

(3) The mixing of extremely hazardous wastes with other wastes only for accumulation shall be considered as dilution.

(4) Any action taken to evade the intent of this regulation by dividing such wastes or diluting such wastes so as to reclassify such wastes, shall be considered a violation of the regulation. This section shall not be interpreted so as to preclude treatment as defined in this regulation.

(5) Heterogeneous wastes will be considered as one mixed phase. [Order DE 77-34, § 173-302-150, filed 12/29/77.]

WAC 173-302-160 Appeal of designation. Any waste which a generator believes has been incorrectly categorized and declared EHW or DW may be redesignated if, in consultation with the department, the generator provides data to justify the claim. Such data shall include enough information on the waste to verify beyond a reasonable doubt the claim that such waste does not meet the criteria for Dangerous Waste under WAC 173-302-090 or for Extremely Hazardous Waste under WAC 173-302-100, or that, at the proposed disposal site, such quantities of waste would not present an extreme hazard to man or wildlife. [Order DE 77-34, § 173-302-160, filed 12/29/77.]

WAC 173-302-170 Requirements for generators. The requirements for a generator are set forth in WAC 173-302-180 and 173-302-190. [Order DE 77-34, § 173-302-170, filed 12/29/77.]

WAC 173-302-180 Manifest procedures. (1) After the effective date of this chapter, the generator, as defined in WAC 173-302-040(13), of any hazardous waste to be disposed of, shall fill out a separate manifest form described in WAC 173-302-190 for each chemically separate and distinct waste. The ultimate responsibility and liability for proper and complete identification remains with the generator.

(2) The generator planning to ship hazardous waste to the operator for disposal shall notify the operator as follows:

(a) In writing, and

(b) By attaching a copy of the manifest.

(3) The generator may ship extremely hazardous or dangerous waste without a manifest or written notification under emergency conditions provided that an emergency and potential threat to the public health and safety exist.

(4) The generator shall not ship any hazardous waste to the operator until he has obtained approval from the operator and been assigned a manifest number.

(5) The generator shall prepare hazardous waste for shipment by:

(a) Following Utilities and Transportation Commission and Department of Transportation packaging and labeling requirements, and

(b) By stenciling the assigned manifest number on each container.

(6) The generator shall give the original of each manifest to the transporter to whom he transfers custody of or title to the waste before or when the transfer occurs.

(7) The generator shall send written notification of each waste transfer to the department at the time of transfer.

(8) The generator planning to ship hazardous waste out of state or to a treater shall fill out a manifest according to the procedures of WAC 173-302-180(1), (5)(a), and (6). Such shipments do not need the department's approval. [Order DE 77-34, § 173-302-180, filed 12/29/77.]

WAC 173-302-190 Manifest form. (1) All manifests used to comply with this regulation shall be a form supplied by and on file with the department.

(2) The manifest shall contain at least the following information:

(a) The generator's name and address,

(b) The origin of the hazardous waste,

(c) The quantity of hazardous waste,

(d) The general chemical and mineral composition,

(e) The approximate maximum and minimum percentages of the components,

(f) Measures to be taken in case of an accident, and

(g) Such other information deemed necessary by the department for the purpose of implementing the Hazardous Waste Disposal Act, chapter 70.105 RCW. [Order DE 77-34, § 173-302-190, filed 12/29/77.]

WAC 173-302-200 Waste transporter requirements. The requirements for a transporter of EHW are set forth in WAC 173-302-210 through 173-302-230. [Order DE 77-34, § 173-302-200, filed 12/29/77.]

WAC 173-302-210 Transporter applicability. (1) All transporters, public or private, as defined in WAC 173-302-040(26), shall be subject to the requirements of WAC 173-302-210 through 173-302-230 when:

(a) Hazardous waste is being delivered to the operator, and

(b) Extremely hazardous waste is being delivered to any treater.

(2) Extremely hazardous waste generated in the state, which is to be delivered out-of-state or out-of-country,

shall be subject to the requirements of this section. [Order DE 77-34, § 173-302-210, filed 12/29/77.]

WAC 173-302-220 Waste acceptance. (1) All transporters shall accept hazardous waste only upon a showing that the generator has a manifest in his possession, that the manifest is complete, and the shipment complies with the packaging and labeling requirements of WAC 173-302-180(5). The transporter will check the assigned manifest number with the stenciled manifest number on the containers where shipment to the extremely hazardous waste site is indicated on the manifest. If a waste is to be shipped to a treater or out-of-state the manifest shall be filled out according to the procedure referenced in WAC 173-302-180(8).

(2) A transporter shall accept a separate manifest for each chemically separate and distinct waste to be shipped.

(3) The transporter shall accept hazardous waste by signing the manifest.

(4) Any transporter failing to deliver a waste to the destination prescribed on the manifest will violate chapter 173-302 WAC.

(5) The transporter shall be responsible for insuring that incompatible wastes transported in one vehicle are adequately separated and protected from mixing under any conditions, including those that are accidental. [Order DE 77-34, § 173-302-220, filed 12/29/77.]

WAC 173-302-230 Transportation. (1) The transporter shall have the original copy of the completed manifest in his possession while transporting the hazardous waste.

(2) The transporter shall release the original manifest to the operator or the treater.

(3) The transporter shall meet all the regulations of the Utilities and Transportation Commission and the Department of Transportation.

(4) The transporter shall inspect each vehicle after unloading to ensure that:

(a) The vehicle has been rinsed and cleaned where appropriate, and

(b) All of the delivered load has been transferred.

(5) Procedures after an accident, including spills to air, land, or water, should follow those given on the back of the manifest. [Order DE 77-34, § 173-302-230, filed 12/29/77.]

WAC 173-302-240 Operator requirements. The requirements for the operator of the disposal site are set forth in WAC 173-302-250 through 173-302-340. [Order DE 77-34, § 173-302-240, filed 12/29/77.]

WAC 173-302-250 Yearly operating plan. (1) The operator, as defined in WAC 173-302-040(20), shall submit a yearly operating plan, as defined in WAC 173-302-040(29), to the department not later than November 1, for the next calendar year.

(2) The department, after opportunity for public comment, shall review, comment upon, and require any modification to the yearly operating plan deemed necessary to carry out chapter 70.105 RCW, and any written contract with the operator, chapter 173-302 WAC, before the department grants approval in writing.

(3) The operator may reference the previous year's operating plan and attach modifications as needed.

(4) The operator shall conduct all operations at the site according to the approved yearly operating plan, unless the department temporarily waives, in writing, any portion of the plan.

(5) The operating plan shall include, but not be limited to, the following:

(a) Resumes of the operator personnel administering the site, and in a technical capacity to direct operation at the site,

(b) Telephone numbers where all personnel connected with site administration and operation can be contacted during and after working hours,

(c) Anticipated types, general characteristics, and weight or volume of extremely hazardous and dangerous waste to be received,

(d) Proposed treatment, handling, and storage methods, including plans for installing additional facilities, storage areas, and burial trenches,

(e) A description of operational procedures to be conducted at this facility, including procedures that will insure compliance with chapter 173-302 WAC,

(f) A contingency plan that specifically relates to the anticipated types of waste listed in WAC 173-302-250(5)(c):

(i) list outlining action that would be taken when fires, spills, explosions, adverse chemical reactions, or other accidents occur;

(ii) listing equipment and manpower available to respond to such an occurrence,

(g) Mitigating or corrective measures that would be taken where ambient monitoring has detected any waste previously buried, stored, or handled,

(h) Approved procedures including manifest number assignment for:

(i) Multiple shipments of similar wastes from a single generator,

(ii) Shipments of similar wastes from similar generators,

(iii) Emergency shipments,

(iv) Unique wastes not identified in the yearly operating plan. [Order DE 77-34, § 173-302-250, filed 12/29/77.]

WAC 173-302-260 Hazardous waste acceptance. (1) The operator shall accept extremely hazardous waste, as defined in this chapter, for disposal at the disposal site when:

(a) Requested by the generator, and prior written approval between the generator and the operator has been obtained;

(b) The waste is accompanied by a manifest specified in Manifest Procedures of WAC 173-302-180;

(c) Waste containers meet the labeling and container condition requirements of the yearly operating plan;

(d) The department has approved, in writing, the conditional disposal of such wastes according to the yearly operating plan as soon as possible, but not later than 15

days after notification, except as spelled out in emergency conditions, WAC 173-302-260(5);

(e) The department has assigned a manifest number or a series of manifest numbers at the time of written approval, under WAC 173-302-260(1)(d).

(2) The operator may accept dangerous waste, as defined in this regulation, for disposal when:

(a) All the conditions of extremely hazardous waste acceptance, WAC 173-302-260(1), are met;

(b) The generator shows that no other disposal site in the state will handle such dangerous waste. The generator shall refer to:

(i) County or municipal ordinances or disposal site permits forbidding dangerous waste disposal at nearby permitted sites;

(ii) The extremely hazardous waste site being the shortest economical haul distance where other remotely located, dangerous waste sites may be available;

(iii) Specific rejection or disapproval, in writing, by nearby dangerous waste site operators, public or private;

(c) the site is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste as shown by the operator's review of the yearly operating plan for accepting dangerous waste.

(3) The operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the extremely hazardous or dangerous waste acceptance procedures of WAC 173-302-260(1) and (2) until the facts are ascertained, including but not limited to,

(a) The requirement that samples of waste be taken and analyzed; or

(b) The condition of the containers by physical inspection of the delivery load.

(4) Upon delivery, the operator shall accept and sign the original and all copies of the manifest. The operator shall send written notification of each manifest to the department at the time of delivery.

(5) The operator may accept extremely hazardous or dangerous waste under emergency conditions if:

(a) An emergency and potential threat to the public health and safety exist;

(b) The operator notifies the department by telephone;

(c) The operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(d) The generator is fully apprised that the waste remains his liability until approved under WAC 173-302-260(5)(c). [Order DE 77-34, § 173-302-260, filed 12/29/77.]

WAC 173-302-270 EHW handling at the disposal site. (1) The operator shall retain at least one copy of the manifest at the disposal site.

(2) The operator shall weigh, count, inventory, and continuously identify wastes being handled, stored, processed, and buried at the disposal site, according to the approved yearly operating plan.

(3) The operator shall handle, store, and dispose of wastes in a manner to prevent mixing and reaction of incompatible wastes and to maximize their recovery, unless such mixing is consistent with the treatment plans of WAC 173-302-270(6).

(4) The operator shall refill empty containers delivered as waste only when the site is designed to handle such wastes, WAC 173-302-260(2)(c), and the incompatibility requirements of WAC 173-302-270(3) are met.

(5) Containers holding extremely hazardous waste shall not be opened, unless:

(a) Severe container damage requires transfer to another container;

(b) Detoxification is planned according to WAC 173-302-270(6); or

(c) Waste sampling becomes necessary.

(6) The operator may treat, detoxify, or reprocess any waste accepted at the disposal site, but only when the treatment:

(a) Is consistent with the approved yearly operating plan; and

(b) Is consistent with the environmental requirements of WAC 173-302-280.

(7) The operator shall place wastes into burial trenches that:

(a) Allow the maximum retrieval, recovery, and reclamation;

(b) Prevent the mixture of incompatible wastes; and

(c) Are designed to meet the environmental requirements of WAC 173-302-280;

(d) Are covered as soon as possible consistent with waste types and handling schedules;

(e) Are marked by a monument to allow their easy location at a later date.

(8) The operator shall maintain survey records at the site for each burial trench, and evaporation pond, referenced to the nearest USGS bench mark to define the exact location and boundaries of each trench or pond. A current copy of all such survey records shall be kept at the county auditor's office. The survey records shall contain the following information:

(a) Dimension of the trenches and ponds;

(b) Its relation to the bench mark and the monument;

(c) Volume and type of waste buried;

(d) Dates for beginning and completing burial and evaporation operations.

(9) The operator shall not remove any extremely hazardous waste from the disposal site without the department's approval.

(10) The operator shall implement procedures to collect and handle extremely hazardous waste, soil, and other contaminated materials that are accidentally spilled on the disposal site. [Order DE 77-34, § 173-302-270, filed 12/29/77.]

WAC 173-302-280 Environmental requirements. In receiving, storing, handling, reprocessing, or burying hazardous wastes, the operator shall:

(1) Protect the ground and surface waters by:

(a) Using impermeable liners, or the equivalent;

(b) Providing stormwater, rinse water, and sanitary wastewater containment and treatment, or the equivalent;

(c) Transforming liquid and semiliquid wastes to solid wastes by evaporation, or any other means, to the maximum degree that is consistent with other environmental and economic concerns.

(2) Protect the air and soil by:

(a) Placing, where possible, dusts, powders, or fine solids in closed or covered containers;

(b) Covering or sealing bulk quantities of waste;

(c) Allowing no open burning or incinerating of wastes unless approved by the department in the yearly operating plan.

(d) Allowing no extremely hazardous waste that is capable of releasing hazardous gases, mists, vapors, or creating a potential nuisance or health hazard in open ponds or open containers without precautions to prevent dispersion.

(3) Protect the flora and fauna by:

(a) Preventing wildfowl from entering open evaporation ponds by the use of nets or the equivalent;

(b) Preventing animals from entering the site by the use of fencing or the equivalent; and

(c) Providing sufficient cover for indigenous species of plants.

(4) Meet the requirements of all state, federal, and local environmental laws and regulations including all permits and approvals except as specifically exempted in RCW 70.105.050.

(5) Conduct monitoring at a frequency and at points specified in the yearly operating plan, which shall include:

(a) On-site dry test wells checked at least annually;

(b) A monitoring well under each burial trench and each evaporation pond checked at least quarterly;

(c) Particulate and gaseous sampling as required in the yearly operating plan;

(d) Vegetation and resident vertebrate population samples obtained at least annually; and

(e) Additional analyses as specified in the yearly operating plan. [Order DE 77-34, § 173-302-280, filed 12/29/77.]

WAC 173-302-290 Security requirements. (1) The operator shall maintain all fences.

(2) The operator shall insure that controlled entry by authorized persons is maintained at all times by:

(a) Having appropriate personnel on duty 24 hours a day;

(b) Requiring identification and logging in of all persons entering; and

(c) Securing all facilities during nonoperating hours.

(3) The operator shall maintain facilities for telephone and radio contact with the Hanford Reservation Security Patrol.

(4) The operator shall maintain all warning signs. [Order DE 77-34, § 173-302-290, filed 12/29/77.]

WAC 173-302-300 Safety requirements. (1) The operation shall conform to federal and state laws dealing with occupational health and safety laws and regulations, including chapters 296-24 and 296-62 WAC.

(2) The operator shall insure that personnel working on the site use adequate protective clothing and respiratory protection.

(3) The operator shall insure that all persons are trained in first aid and use of the emergency first aid equipment.

(4) The operator shall insure that new personnel have a complete physical exam and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. [Order DE 77-34, § 173-302-300, filed 12/29/77.]

WAC 173-302-310 Emergency requirements. (1) The operator shall take immediate action to contain, extinguish, and prevent the further dispersion of wastes in the event of spills, fire, explosion, chemical reaction, or accident.

(2) To the extent possible, the operator shall use procedures outlined in the yearly operating plan.

(3) The department may require special precautions to be taken during, or as the result of, spills, fires, accidents, or emergencies. [Order DE 77-34, § 173-302-310, filed 12/29/77.]

WAC 173-302-320 Personnel requirements. The operator shall maintain adequate numbers of qualified personnel at the disposal site to provide effective and timely action for operation, maintenance, environmental controls, records, emergencies, health and safety, according to the approved yearly operating plan.

As a minimum, the operator shall provide personnel having knowledge and background in the following areas:

(1) Inspecting and checking manifests for completeness and accuracy;

(2) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(3) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures. [Order DE 77-34, § 173-302-320, filed 12/29/77.]

WAC 173-302-330 Department surveillance. (1) The operator shall report the following to the department:

(a) Copies of all environmental sampling results during the previous quarter;

(b) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-302-310;

(c) Complete financial reports during the previous year;

(d) Copies of all written requests (including unnumbered manifests) for disposal of waste at the site within one week of their receipt.

(2) The operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(a) The site and facilities;

(b) The waste being delivered, stored, processed, or buried, including the taking of samples; a portion of each sample being given to the operator upon his request;

(c) The environment, by the drilling of test wells and obtaining of samples; and

(d) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the operator. [Order DE 77-34, § 173-302-330, filed 12/29/77.]

WAC 173-302-340 Financial requirements. (1) The operator shall maintain liability insurance for operation of the site in an amount not less than $1,200,000. The operator shall submit copies of the certified insurance policies with the yearly operating plan.

(2) The operator shall post a bond with terms and conditions spelled out in the contract between the operator and the department. Such bond shall be at least $50,000. The bond shall be refunded when the contract expires.

(3) The operator shall submit copies of all fee schedules to the department for review and approval as part of the yearly operating plan. The department shall use the following criteria to review such disposal fees:

(a) Their relationship to other fees charged for similar services;

(b) Reasonable return on investment and profit for the operator; and

(c) The cost of administration, development, operation, maintenance, and perpetual management of the disposal site. [Order DE 77-34, § 173-302-340, filed 12/29/77.]

WAC 173-302-350 Treater requirements. The requirements for the treaters of EHW are set forth in WAC 173-302-360 through 173-302-380. [Order DE 77-34, § 173-302-350, filed 12/29/77.]

WAC 173-302-360 Treater applicability. This section shall apply to:

(1) All treaters who meet the definition of WAC 173-302-040(27).

(2) All transporters who treat extremely hazardous waste. [Order DE 77-34, § 173-302-360, filed 12/29/77.]

WAC 173-302-370 EHW acceptance. (1) A treatment facility may accept extremely hazardous waste only when the transporter has a manifest in his possession that is complete, and the shipment complies with the appropriate packaging and labeling requirements of WAC 173-302-180(5).

(2) Upon acceptance of delivery, the treater may accept and sign the manifest and send a copy of the manifest to the department. [Order DE 77-34, § 173-302-370, filed 12/29/77.]

WAC 173-302-380 Treatment criteria. (1) Treatment shall be considered as an alternative to disposal at the EHW site, when:

(a) The resulting residue or waste does not meet the criteria and categorization scheme under WAC 173-302-080 through 173-302-130;

(b) The resulting residue or waste, partly treated and detoxified, is sent to the EHW site;

(2) Treatment facilities shall dispose of all extremely hazardous waste generated and leaving the site, according to the requirements of the manifest procedures and form in WAC 173-302-180 and 173-302-190.

(3) Treatment that relies primarily upon dispersion and dilution shall not be an alternative to disposal at the EHW site. [Order DE 77-34, § 173-302-380, filed 12/29/77.]

WAC 173-302-390 Compliance. All generators, transporters, treaters, and the operator shall comply with chapter 173-302 WAC according to the following time schedules:

(a) WAC 173-302-010 through 173-302-060 – upon the effective date of this regulation. This includes:

WAC 173-302-010 – Purpose
WAC 173-302-020 – Applicability
WAC 173-302-030 – Abbreviations
WAC 173-302-040 – Definitions
WAC 173-302-050 – Conference
WAC 173-302-060 – Imminent Hazard

(b) WAC 173-302-070 through 173-302-160, and 173-302-180(8), 173-302-210(1)(b) and (2), and 173-302-350 through 173-302-380 – on August 1, 1978. This includes:

WAC 173-302-070 – Designation of EHW
WAC 173-302-080 – Categorization
WAC 173-302-090 – Criteria for DW
WAC 173-302-100 – Criteria for EHW
WAC 173-302-110 – Hazardous Due to Toxicity Man and Wildlife
WAC 173-302-120 – Hazardous Due to Quantity
WAC 173-302-130 – Hazardous Due to Persistence and Potential Hazard
WAC 173-302-140 – Containers
WAC 173-302-150 – Division and Dilution and Accumulation
WAC 173-201-160 [173-302-160] – Appeal of Designation
WAC 173-302-180(8) – Manifest Procedures for Out-of-state Shipments and for Treaters
WAC 173-302-210(1)(b) and (2) – Transporter Applicability for Waste Shipped Out-of-state and to Treater
WAC 173-302-350 – Treater Requirements
WAC 173-302-360 – Treater Applicability
WAC 173-302-370 – Treatment Criteria
WAC 173-302-380 – Treatment Criteria

(c) WAC 173-302-170 through 173-302-340 – on September 1, 1979, the estimated date of the opening of the state's disposal site. This includes:

WAC 173-302-170 – Generator Requirements
WAC 173-302-180 (except as above noted) – Manifest Procedures
WAC 173-302-190 – Manifest Form

WAC 173–302–200 – Transporter Requirements
WAC 173–302–210 (except as above noted) – Transporter Applicability
WAC 173–302–220 – Waste Acceptance
WAC 173–302–230 – Transporting
WAC 173–302–130 [173–302–240] – Operator Requirements
WAC 173–302–250 – Yearly Operating Plan
WAC 173–302–260 – EHW Acceptances
WAC 173–302–270 – EHW Handling at the Disposal Site
WAC 173–302–280 – Environmental Requirements
WAC 173–302–290 – Security Requirements
WAC 173–302–300 – Safety Requirements
WAC 173–302–310 – Emergency Requirements
WAC 173–302–320 – Personnel Requirements
WAC 173–302–330 – Department Surveillance
WAC 173–302–340 – Financial Requirements
[Order DE 77–34, § 173–302–390, filed 12/29/77.]

Chapter 173–310 WAC
LITTER RECEPTACLES

WAC

173–310–010 Purpose.
173–310–020 Definitions.
173–310–030 Responsibility to procure and place litter receptacle.
173–310–040 Litter receptacles, where required.
173–310–050 Number of litter receptacles required.
173–310–060 Minimum standards.
173–310–070 Anti–litter symbol.
173–310–080 Prohibited acts.
173–310–090 Penalties.
173–310–100 Effective date and compliance.
173–310–990 Appendix A——Anti–litter symbol.

WAC 173–310–010 Purpose. By the provisions of chapter 70.93 RCW, the department of ecology has been delegated authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. The purpose of this chapter is to provide minimum standards for litter receptacles and to prescribe the use, placement and distribution of litter receptacles throughout the state, pursuant to the authority set forth in RCW 70-.93.040 and 70.93.090. [Order 72–10, § 173–310–010, filed 5/15/72, effective 9/1/72.]

WAC 173–310–020 Definitions. The following words and phrases as used herein shall have the following meanings, unless context clearly dictates otherwise:

(1) "Anti–litter symbol" means the standard symbol adopted herein by the department.

(2) "Department" means the Washington state department of ecology.

(3) "Litter" means all waste materials including, but not limited to, disposable packages or containers susceptible to being dropped, deposited, discarded or otherwise disposed of upon any property in the state, but not including the wastes of primary processes of mining, logging, sawmilling, farming or manufacturing.

(4) "Litter receptacle" means containers for the disposal of litter of not more than 60–gallon capacity; Provided, That special containers of larger capacity such as those referred to as "dumpsters", and garbage containers or other waste containers serving single or multi–family residences are not included within this definition and their use is in no way regulated or affected by this chapter.

(5) "Person" shall mean any industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

(6) "Public place" means any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including indoor areas. An indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind. [Order 72–10, § 173–310–020, filed 5/15/72, effective 9/1/72.]

WAC 173–310–030 Responsibility to procure and place litter receptacle. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this chapter to procure, place and maintain such receptacles at their own expense on the premises in accordance with the provisions of this chapter. [Order 72–10, § 173–310–030, filed 5/15/72, effective 9/1/72.]

WAC 173–310–040 Litter receptacles, where required. Litter receptacles meeting the standards established by this chapter shall be placed in the following public places in the state:

(1) Along public highways lying outside the limits of incorporated cities and towns;
(2) Parks;
(3) Campgrounds;
(4) Trailer park facilities for transient habitation;
(5) Drive–in restaurants;
(6) Gasoline service stations;
(7) Tavern parking lots;
(8) Shopping centers;
(9) Grocery store parking lots;
(10) Marinas;
(11) Boat launching areas;
(12) Boat moorage and fueling stations;
(13) Public and private piers
(14) Beaches and bathing areas;
(15) Outdoor parking lots, other than those specifically designated above, having a capacity of more than 50 automobiles;
(16) Fairgrounds;
(17) Schoolgrounds;
(18) Racetracks;
(19) Sporting event sites with seating capacity for more than 200 spectators;
(20) Sites for carnivals, festivals, circuses, shows or events of any kind to which the public is invited;
(21) Business district sidewalks.

Litter receptacles need be placed in the above public places only during times such places or events held at them are open to the public.

Placement of litter receptacles shall be in conformance with laws, ordinances, resolutions and regulations pertaining to fire, safety, public health or welfare. [Order 73-7, § 173-310-040, filed 4/23/73; Order 72-10, § 173-310-040, filed 5/15/72, effective 9/1/72.]

WAC 173-310-050 Number of litter receptacles required. The minimum number of receptacles meeting the standards established by this chapter required in public places listed in the preceding section is as follows:

(1) Along public highways lying outside the limits of incorporated cities and towns——one receptacle at each rest area, view point or similar turnout, officially designated as such by the primary jurisdictional authority;

(2) Parks, campgrounds and trailer park facilities for transient habitation——one receptacle at each public restroom facility, and one receptacle at each established trailhead giving access by foot, motorcycle, bicycle or similar trail for excursion or exploration out of or away from the central activity area;

(3) Gasoline service stations——one litter receptacle placed in plain view of each gasoline service island, with a minimum of one receptacle for each side of the station on which gasoline pumps are located.

(4) Drive-in restaurants, tavern parking lots, shopping centers, grocery store parking lots and outdoor parking lots having a capacity of more than 50 automobiles——one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

(5) Marinas, boat launching areas, boat moorage and fueling stations and public and private piers——one receptacle at each such area;

(6) Beaches and bathing areas——one receptacle at each public restroom facility, and one receptacle at each access point officially designated as such by the primary jurisdictional authority;

(7) Schoolgrounds——one receptacle at each schoolground bus loading zone officially designated as such by the primary jurisdictional authority;

(8) Racetracks and sporting event sites with seating capacity for more than 200 spectators——one receptacle, plus one additional receptacle for each 1000 seating capacity in excess of 200.

(9) Fairgrounds and sites for carnivals, festivals, circuses, shows or events of any kind to which the public is invited——one receptacle at the entrance to each ride, and one receptacle at each end of walk-through exhibit buildings;

(10) Along the sidewalks of business districts of incorporated cities and towns——one receptacle per 800 feet of sidewalk curbing.

No variance from the provisions of this section shall be allowed except upon the express permission of the Department of Ecology.

Notwithstanding the minimum requirements of this section, any public place in which litter receptacles meeting the standards of this chapter are required that is found to have an accumulation of uncontained litter under circumstances that the person responsible for placing receptacles could have reasonably anticipated the litter shall be deemed to have an insufficient number of receptacles to be in compliance with this regulation. [Order DE 76-34, § 173-310-050, filed 9/13/76; Order 73-7, § 173-310-050, filed 4/23/73; Order 72-10, § 173-310-050, filed 5/15/72, effective 9/1/72.]

WAC 173-310-060 Minimum standards. Litter receptacles procured and placed in public places as required by this chapter shall meet the following minimum standards:

(1) General specifications.

(a) The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will with normal wear and tear, reasonably resist corrosion and acts of vandalism.

(b) All outside edges of each litter receptacle shall be rounded.

(c) Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.

(d) Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health or welfare.

(2) Color and marking.

(a) The entire outer surface of each litter receptacle shall be colored medium green conforming with Federal Color Standard No. 595A, Color No. 24424, or Color No. 34424.

(b) Each litter receptacle shall bear the official anti-litter symbol, as adopted herein. The symbol shall be colored deep blue conforming with Federal Color Standard No. 595A, Color No. 15180. The symbol shall not be distorted as to proportion and shall not be incorporated into a commercial advertisement on the receptacle. For litter receptacles along the right-of-way of public highways, the symbol shall be of a size so as to be distinguishable from a minimum distance of 75 feet.

(c) The words "DEPOSIT LITTER" shall be placed on the litter receptacle. Lettering used for these two words shall be Block-type capital letters to be readily legible at a distance of 30 feet.

(d) No commercial advertisement shall be placed on any litter receptacle. However, the person owning any receptacle may place a single line on the receptacle identifying his ownership, and a single credit line designating any donor of the litter receptacle other than the owner may also be placed on the receptacle; Provided, That the lettering does not exceed the size specified for the words "DEPOSIT LITTER," and does not interfere with or distract from the prominence of the anti-litter symbol.

(3) Maintenance. Compliance with these minimum standards shall include proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be in violation of these minimum standards.

(4) Wherever litter receptacles are placed in any public place other than where required by this chapter, such receptacles shall conform to the provisions of this chapter. [Order 72–10, § 173–310–060, filed 5/15/72, effective 9/1/72.]

WAC 173–310–070 Anti–litter symbol. The official state anti–litter symbol shall be the symbol depicted in Appendix A to this chapter conforming to the Federal Color Standard No. 595A, Color No. 15180, which appendix is hereby incorporated into this chapter and made part hereof. Permission to use this symbol in the manner required by this chapter has been obtained from the copyright holder and any other use without the express permission of the copyright holder is prohibited. [Order 72–10, § 173–310–070, filed 5/15/72, effective 9/1/72.]

WAC 173–310–080 Prohibited acts. (1) No person shall damage, deface, abuse or misuse any litter receptacle not owned by him so as to interfere with its proper function or to detract from its proper appearance.

(2) No person shall deposit leaves, clippings, prunings or gardening refuse in any litter receptacle.

(3) No person shall deposit household garbage in any litter receptacle; Provided, That this subsection shall not be construed to mean that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles. [Order 72–10, § 173–310–080, filed 5/15/72, effective 9/1/72.]

WAC 173–310–090 Penalties. Penalties for violation of this chapter shall be in accordance with chapter 70.93 RCW. [Order 72–10, § 173–310–090, filed 5/15/72, effective 9/1/72.]

WAC 173–310–100 Effective date and compliance. (1) This chapter shall become effective on September 1, 1972.

(2) All litter receptacles in any public place designated in this chapter which are placed after the effective date hereof shall conform to the provisions of this chapter.

(3) Litter receptacles in any public place designated in this chapter which were in place prior to the effective date hereof shall be modified to conform with marking requirements of this chapter [WAC 173–310–060(2)(b)(c)] no later than January 1, 1973.

(4) All litter receptacles in any public place designated in this chapter shall be modified or replaced so as to fully conform with all requirements of this chapter no later than July 1, 1975. [Order 72–10, § 173–310–100, filed 5/15/72, effective 9/1/72.]

WAC 173–310–990 Appendix A––Anti–litter symbol.

Appendix A



[Order 72–10, Appendix A (codified as WAC 173–310–990), filed 5/15/72, effective 9/1/72.]

Chapter 173–400 WAC
GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

WAC

173–400–010	Purpose.
173–400–020	Applicability.
173–400–030	Definitions.
173–400–040	General standards for maximum permissible emissions.
173–400–050	Minimum emission standards for combustion and incineration sources.
173–400–060	Minimum emission standards for general process sources.
173–400–070	Minimum standards for certain source categories.
173–400–075	Emission standards for sources emitting hazardous air pollutants.
173–400–080	Compliance schedules.
173–400–090	Sensitive area designation.
173–400–100	Registration.
173–400–110	Notice of construction.
173–400–115	Standards of performance for new stationary sources.
173–400–120	Monitoring and special reporting.
173–400–130	Regulatory actions.
173–400–140	Appeals.
173–400–150	Variance.

WAC 173–400–010 Purpose. The department of ecology, under the authority vested in it by chapters 43–.21A RCW and 70.94 RCW, is charged with responsibilities for the conduct of a state–wide program of air pollution prevention and control. This regulation provides the basic framework for carrying out the state's

responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution. [Order DE 76-38, § 173-400-010, filed 12/21/76. Formerly WAC 18-04-010.]

WAC 173-400-020 Applicability. The provisions of this chapter shall apply state-wide. Any section hereof in which applicability is not specified is applicable to all sources of air contaminants, except (1) those sources under the control of an activated air pollution control authority with respect to any standards or requirements now or hereafter enacted by such authority which are equivalent to or more stringent than standards or requirements on the same subject matter established by this chapter;

(2) Those specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(3) Automobiles, trucks, trains, aircraft. [Order DE 76-38, § 173-400-020, filed 12/21/76. Formerly WAC 18-04-020.]

WAC 173-400-030 Definitions. Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(3) "Air pollution control authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(4) "Ambient air" means the surrounding outside air.

(5) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(6) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(7) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(8) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(9) "Department" means the department of ecology.

(10) "Director" means the director of the department of ecology or his duly authorized representative.

(11) "Emission" means a release of contaminants into the ambient air.

(12) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(13) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(14) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(15) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the ambient air from points other than an opening designed for emissions such as a stack or vent.

(16) "General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(17) "Incinerator" means a furnace used for the destruction of waste.

(18) "Masking" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(19) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.

(20) "New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration therein shall be construed as construction or installation or establishment of a new source.

(21) "Opacity" means the degree to which an object seen through a plume is obscured.

(22) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(23) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(24) "Source" means a process or operation which emits or may emit any contaminants to the ambient air.

(25) "Source category" means all sources of the same type or classification.

(26) "Standard conditions" means a temperature of 60°F. (15.6°C) and a pressure of 29.92 inches (760 mm) of mercury.

(27) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge. [Order DE 76-38, § 173-400-030, filed 12/21/76. Formerly WAC 18-04-030.]

WAC 173–400–040 General standards for maximum permissible emissions. (1) Visible emissions.

No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity except as follows:

(a) When the person responsible for the source can demonstrate that the emissions in excess of 20% will not exceed 15 minutes in any consecutive 8 hours.

(b) When the owner or operator of a source supplies valid data to show that the opacity is in excess of 20% as the result of the presence of condensed water droplets, and that the concentration of particulate matter, as shown by a source test approved by the director, is less than one–tenth (0.10) grains per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to 7% oxygen.

(2) Preventing particulate matter from becoming deposited. No person shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(3) Materials handling. No person shall cause or permit materials handling without taking reasonable precautions to prevent the release of contaminants to the ambient air. Sources classified as materials handling are not subject to provisions of section 040, subsection (1).

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with an adjoining property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(5) Emission of air contaminants or water vapor detrimental to persons or property. No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of 1,000 parts per million (ppm) except as follows:

When the owner or operator of a source supplies emission data and can demonstrate to the director that there is no feasible method of reducing the concentration to less than 1,000 ppm and that the State and Federal ambient air quality standards for sulfur dioxide have not been and will not be exceeded. In such cases, the director may require the owner or operator to equip, operate, and maintain as many as three continuous ambient air monitoring stations at locations approved by the director and using equipment approved by the director. All sampling results will be made available upon request and a monthly summary will be submitted to the department.

(b) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to 7% oxygen.

(7) Concealment and masking. No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive particulate material. Reasonable precautions shall be taken to prevent fugitive particulate material from becoming airborne:

(a) When handling, transporting or storing particulate material;

(b) When constructing, altering, repairing or demolishing a building, its appurtenances, or a road;

(c) From an untreated open area.

(9) All sources shall utilize best practicable technology and shall be maintained and operated to minimize emissions. [Order DE 76–38, § 173–400–040, filed 12/21/76. Formerly WAC 18–04–040.]

WAC 173–400–050 Minimum emission standards for combustion and incineration sources. (1) Combusion and incineration sources must meet all requirements of WAC 173–400–040 above and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grains per standard dry cubic foot, except, (a) for sources utilizing the combustion of wood for the production of steam, no person shall allow or permit the emission of particulate matter in excess of 0.20 grains per standard dry cubic foot, as measured by procedures on file at the department.

(2) For all incinerator sources, no person shall cause or permit emissions in excess of 100 ppm of total carbonyls as measured by procedures on file at the department. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the director.

(3) Stated concentrations for combustion and incineration sources will be determined after the volumes are corrected to 7% oxygen. [Order DE 76–38, § 173–400–050, filed 12/21/76. Formerly WAC 18–04–050.]

WAC 173–400–060 Minimum emission standards for general process sources. General process sources shall be required to meet all applicable provisions of WAC 173–400–040 above and in addition, no person shall cause or permit the emission of particulate material from any general process operation in excess of one–tenth (0.10) grains per standard cubic foot of dry exhaust gas. [Order DE 76–38, § 173–400–060, filed 12/21/76. Formerly WAC 18–04–060.]

WAC 173–400–070 Minimum standards for certain source categories. The director finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed. Except as specifically provided in this section, such sources shall

not be required to meet the provisions of WAC 173-400-040, WAC 173-400-050 and WAC 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040.

(b) All wigwam burners shall use best practical technology and shall be maintained and operated to reduce emissions to the greatest extent possible. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by the department.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in sections WAC 173-400-040 and WAC 173-400-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and WAC 173-400-050. Wigwam burners will be considered to be in compliance with WAC 173-400-040(1) if they meet the requirements contained therein except during a startup period not to exceed 30 minutes in any eight consecutive hours.

(ii) A requirement to apply best available technology in order to reduce emissions to the lowest possible level.

(iii) A requirement to reduce or eliminate emissions if the director establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and WAC 173-400-050(1), except that emissions caused by conditions beyond the control of the owner or operator may exceed 20% opacity for up to 15 consecutive minutes once in any 4 hours provided that the operator shall take immediate action to correct the condition.

(b) All hog fuel boilers shall utilize best practical technology and shall be maintained and operated to minimize emissions.

(c) The director may establish additional requirements for hog fuel boilers located in or proposed for location in sensitive areas.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It shall be unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding 20% opacity, except during the first 30 minutes after such device or material is ignited.

(4) Grain elevators.

(a) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040(2), (3), (4), and (5).

(b) The director may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas. These requirements may include but shall not be limited to:

(i) A requirement to meet the provisions of WAC 173-400-040(1) and WAC 173-400-060.

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040 and in addition:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds 40% opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of two-tenths (0.20) grains per standard cubic foot of dry exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(c) The director may establish additional requirements for catalytic cracking units located in, or proposed for location in, sensitive areas.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize best practical technology and shall be maintained and operated to minimize emissions.

(c) The director may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions. [Order DE 76-38, § 173-400-070, filed 12/21/76. Formerly WAC 18-04-070.]

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, and mercury promulgated by the United States environmental protection agency prior to November 1, 1976, as contained in title 40, code of federal regulations, part 61, are by this reference adopted and incorporated herein.

(2) The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, beryllium or mercury, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, beryllium or mercury shall conform with the requirements of title 40, code of federal regulations, part 61, as promulgated prior to November 1, 1976.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption. [Order DE

76–38, § 173–400–075, filed 12/21/76. Formerly WAC 18–04–075.]

WAC 173–400–080 Compliance schedules. (1) The department shall develop and distribute forms for the submission of proposed compliance schedules. Within 60 days after receipt of such a form, the owner or operator of a source shall submit a proposed compliance schedule for such source to the department. After reviewing a proposed compliance schedule and such views thereon as are submitted, the director or his authorized representative shall issue a regulatory order establishing a compliance schedule and progress–reporting requirements for the source. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before 30 days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met. [Order DE 76–38, § 173–400–080, filed 12/21/76. Formerly WAC 18–04–080.]

WAC 173–400–090 Sensitive area designation. In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which sources are, or may be located, the director, after public hearing upon due notice to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedules than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department. [Order DE 76–38, § 173–400–090, filed 12/21/76. Formerly WAC 18–04–090.]

WAC 173–400–100 Registration. The owner or operator of each stationary source within the following source categories shall register the source with the department unless such registration is required by an air pollution control authority with jurisdiction over the source:

(1) Agricultural drying and dehydrating operations;

(2) Asphalt plants;

(3) Cattle feedlots with facilities for 1,000 or more cattle;

(4) Chemical plants;

(5) Ferrous foundries;

(6) Fertilizer plants;

(7) Grain handling, seed processing, pea and lentil processing facilities;

(8) Mineralogical processing plants;

(9) Nonferrous foundries;

(10) Oil refineries;

(11) Other metallurgical processing plants;

(12) Power boilers using coal, hog fuel or oil;

(13) Rendering plants;

(14) Scrap metal operations;

(15) Veneer dryers;

(16) Wood waste incinerators including wigwam burners;

(17) Other incinerators designed for a capacity of 100 pounds per hour or more;

(18) Stationary internal combustion engines rated at 500 horse power or more;

(19) Any category of stationary sources to which a federal standard of performance applies;

(20) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants; and

(21) Sawmills; including processing for lumber, plywood, shake, shingle, pulp–wood insulating board, or any combination thereof.

Registration shall be on forms to be supplied by the department within the time specified thereon.

A special report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories. [Order DE 76–38, § 173–400–100, filed 12/21/76. Formerly WAC 18–04–100.]

WAC 173–400–110 Notice of construction. (1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173–400–100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source. This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(2) Whenever the construction, installation or establishment of any new stationary source, except single–family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173–400–100, the department may require the owner or operator thereof to file a notice of construction with the department. The department shall impose no such requirement if such a notice is required by an air pollution control authority with jurisdiction over the source.

(3)(a) The addition to or enlargement or replacement of or major alteration in any stationary source already existing which is undertaken pursuant to an approved variance which included a compliance schedule for the reduction of emissions therefrom shall be exempt from

any requirement to comply with the notice of construction requirements of this section.

(b) The addition to or enlargement or replacement of or major alteration in any stationary source already existing which may increase the emission of any air pollutant or which may result in the emission again calculated on the basis of no additional emission controls of any air pollutant not previously emitted shall be construed as the construction, installation or establishment of a new source. Where nonapplicability is claimed the burden of demonstrating such nonapplicability shall be on the source owner or operator.

(c) A change in process, process materials or type of fuels which may result in increased emissions of an air contaminant are considered to be major alterations and require the filing of a Notice of Construction.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.58 RCW, thermal power plant siting, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within 30 days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(6) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine the following:

(a) Whether the proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including whether the operation of the new stationary source at the location proposed will result in any applicable ambient air quality standard being exceeded. (The applicable ambient air quality standards will be such standards as have, when the notice of construction is filed, been adopted under chapter 70.94 RCW, but it is recognized that the policy of said chapter for compliance with requirements of the federal clean air act dictates that ambient air quality standards in effect in this state cover all those contaminants for which federal standards have been promulgated and be equal to or more stringent than such federal standards.)

(b) Whether the proposed project will provide all known available and reasonable methods of emission control. Whenever a federal standard of performance is applicable to the source or whenever national emission standard for hazardous air pollutants is applicable to the source, compliance with this criterion will require provision for emission control which will, at least, satisfy such standards.

(c) Whether, if the proposed project is to be located in an area where existing ambient air quality for sulfur dioxide and suspended particulate matter is better than the level required by the applicable ambient air quality standard, the proposal will not result in significant deterioration of the existing ambient air quality for such contaminants.

(7) Within 30 days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in (6) above;

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within 30 days from the date such notice is made.

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), or (6)(c), in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the maintenance of compliance with chapter 70.94 RCW and the applicable rules and regulations inforce pursuant thereto.

(10) For sources such as asphalt batch plants, which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least 30 days prior to starting the operation, and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards. [Order DE 76–38, § 173–400–110, filed 12/21/76. Formerly WAC 18–04–110.]

WAC 173–400–115 Standards of performance for new stationary sources. Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to November 1, 1976, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans) and 60.40 through 60.46 (fossil–fuel steam generators). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or to the appropriate air pollution control authority.

(1) Sections 60.5 and 60.6 of title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173–400–110, such review under the state program is mandatory

and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

(2) Sections 60.40 through 60.46 of title 40, code of federal regulations, are not incorporated herein because they deal with fossil–fuel fired steam generators of a size to which the thermal power plant siting statute, chapter 80.50 RCW, applies.

(3) As of November 1, 1976, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following:

(a) incinerators (more than 50 tons per day)

(b) portland cement plants

(c) nitric acid plants

(d) sulfuric acid plants

(e) asphalt concrete plants

(f) petroleum refineries

(g) Storage vessels for petroleum liquids (more than 40,000 gallons)

(h) secondary lead smelters

(i) secondary brass and ingot production plants

(j) iron and steel plants

(k) sewage treatment plants (sewage sludge incinerators)

(l) primary copper smelters

(m) primary zinc smelters

(n) primary lead smelters

(o) primary aluminum reduction plants

(p) phosphate fertilizer industry: wet process phosphoric acid plants

(q) phosphate fertilizer industry: super phosphoric acid plants

(r) phosphate fertilizer industry: diammonium phosphate plants

(s) phosphate fertilizer industry: triple super phosphate plants

(t) phosphate fertilizer industry: granular triple super phosphate storage facilities

(u) coal preparation plants

(v) ferroally production

(w) steel plants: electric arc furnaces

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air pollution control authority" as used in this section means an activated authority within whose boundaries a new stationary source is proposed and which is enforcing the regulations adopted by reference hereby or its own more stringent regulations applicable to the same subject matter. [Order DE 76–38, § 173–400–115, filed 12/21/76. Formerly WAC 18–04–115.]

WAC 173–400–120 Monitoring and special reporting. (1) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring, and to report the results to the department.

(2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director, or his authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the director, or his authorized representative, when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) Source testing. In order to demonstrate compliance with this regulation, the director, or his authorized representative, may require that a test be made of the source in a manner approved by the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Report of breakdown or upset condition. If a breakdown of equipment or upset condition occurs resulting in emissions in excess of applicable limits set by this regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the department by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the director may require that the operation be curtailed or shut down. Repeated breakdowns may be subject to all penalties authorized by law. The director may issue regulatory orders specifying maintenance and operating procedures.

(5) Continuous Monitoring and Recording. Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel–fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than 250 million BTU per hour heat input, or

(B) Only gaseous fuel is burned, or

(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard.

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than 250 million BTU per hour heat input, or

(B) Sulfur dioxide control equipment has not been installed.

(iii) Percent Oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the department by the owner or operator.

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than 300 tons per day, expressed as 100 percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than 20,000 barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than 100 million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120(5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120(5)(d) shall be subject to approval by the department.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the department compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(f) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than 18 months after adoption of this regulation by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

(g) Special considerations. If for reason of physical plant limitations or extreme economic situations, the department determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(h) Exemptions. This sub-section (5) does not apply to any source which is:

(i) Subject to a new source performance standard.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within 5 years after inclusion of monitoring equipment requirements in this regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

(i) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department that the malfunction was unavoidable and is being repaired as expeditiously as practicable. [Order DE 76-38, § 173-400-120, filed 12/21/76. Formerly WAC 18-04-120.]

WAC 173-400-130 Regulatory actions. The department may take any of the following regulatory actions to enforce this chapter: (1) Notice of violation. Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed $250 per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the director, or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The director, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The department may issue such orders as authorized by chapter 194, Laws of 1971, ex. sess., whenever an air pollution episode is forecast. [Order DE 76-38, § 173-400-130, filed 12/21/76. Formerly WAC 18-04-130.]

WAC 173-400-140 Appeals. Decisions and orders of the department may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. [Order DE 76-38, § 173-400-140, filed 12/21/76. Formerly WAC 18-04-140.]

WAC 173-400-150 Variance. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Sources in any area in which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If a complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules and regulations of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance. [Order DE 76-38, § 173-400-150, filed 12/21/76. Formerly WAC 18-04-150.]

Chapter 173-405 WAC
KRAFT PULPING MILLS

WAC

173-405-011	Statement of policy and purpose.
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173-405-081	Notice of construction.
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WAC 173-405-011 Statement of policy and purpose. (1) These rules are enacted under the provisions of the 1969 amendments to the "Washington Clean Air Act" (chapter 70.94 RCW, chapter 168, section 39, Laws of 1969, 1st ex. sess.) to assume state jurisdiction over emission from those pulping mills traditionally referred to as the kraft pulping process, except those covered by chapter 173-410 WAC in order to provide for the systematic reduction and control of air pollution in the kraft pulping industry.

(2) Recent technological developments have enhanced the degree of malodorous emission control possible for

the kraft pulping process. It is hereby declared to be the policy of the Department to:

(a) Require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from kraft mills through the utilization of technically feasible equipment, devices and procedures.

(b) Require the efficient maintenance and operation of emission control, capture and treatment equipment.

(c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance or noncompliance therewith.

(d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(e) Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as new information and better technology are developed. [Order DE 76-35, § 173-405-011, filed 12/28/76. Formerly WAC 18-36-011.]

WAC 173-405-021 Definitions. (1) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(2) "Continual monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(3) "Emission" means a release into the outdoor atmosphere of air contaminants.

(4) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

(5) "Equivalent air-dried kraft pulp" means unbleached pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

(6) "Department" means the State of Washington Department of Ecology.

(7) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(8) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers.

(9) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

(10) "Opacity" means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

(11) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

(12) "Particulate matter" means a small, discrete mass of solid or liquid matter but not including uncombined water.

(13) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

(14) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

(15) "Standard condition" means a temperature of 60°F. and a pressure of 29.92 inches of mercury.

(16) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present. [Order DE 76-35, § 173-405-021, filed 12/28/76. Formerly WAC 18-36-021.]

WAC 173-405-031 Specific emission standards. (1) All emission standards in this section are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available. No kraft mill shall cause or permit emissions in excess of the limits listed below.

(2) The emission of TRS from all recovery furnace stacks shall not exceed one-half pound of sulfur per equivalent ton of air-dried kraft pulp, or from each recovery furnace stack seventeen and one-half p.p.m., expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures.

(3) Non-condensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln.

(4) The emission of particulate matter from all recovery furnace stacks shall not exceed four pounds per ton of equivalent air-dried kraft pulp. Where necessary, particulate emission limitations may be set lower by the department.

(5) The emission of particulate matter from all lime kilns shall not exceed one pound per ton of equivalent air-dried kraft pulp.

(6) The emission of particulate material from all smelt tanks shall not exceed one-half pound per ton of equivalent air-dried kraft pulp.

(7) The average daily emission of TRS gases from any lime kiln stack shall not exceed 50 p.p.m. expressed as hydrogen sulfide on a dry basis and further, shall not

exceed a concentration of 80 p.p.m. expressed as hydrogen sulfide on a dry basis for more than two consecutive hours in any one day. All kraft mills shall be in compliance with this requirement by not later than December 31, 1979. All mills shall submit compliance schedules to achieve this standard within 120 days after the effective date of this revision. A more restrictive standard may be established by regulatory order for specific sources if it is determined to be needed to prevent an odor problem off of the plant property. [Order DE 76-35, § 173-405-031, filed 12/28/76. Formerly WAC 18-36-031.]

WAC 173-405-036 General emission standards and nuisance control measures. In addition to the limits of WAC 173-405-031, no kraft mill shall cause or permit emissions or nuisances listed herein.

(1) The emission of particulate matter from stacks of all particulate emission sources, excluding the recovery furnaces, lime kilns, and smelt tanks, shall not exceed one-tenth (0.10) grains per standard cubic foot of dry exhaust gas.

(2) Each kraft mill shall take reasonable precautions to prevent fugitive particulate material from becoming air-borne:

(a) When handling, transporting or storing particulate material on the mill site.

(b) When constructing, altering, repairing or demolishing a building, its appurtenances, or a road;

(c) From an untreated open area.

(3) No kraft mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(4) No kraft mill shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the kraft mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(5) No kraft mill shall cause or permit the emission of an air contaminant or water droplets including an air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water droplets cause detriment to the health, safety or welfare of any person or causes damage to property or business.

(6) The opacity limit established by this section is adopted as an interim standard. The department intends to revise the standard to be consistent with best practicable control and operating requirements and emission standards that may be established in the future.

No person shall cause or allow the emission of a plume from any kraft recovery furnace or lime kiln, or other source which has an average opacity greater than 35%, at or within a reasonable distance of the emission point, for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-036(7) and WAC 173-405-036(8). The opacity determination shall be according to methods on file with the department. There shall be no more than one violation notice issued in any 60 minutes.

(7) This provision of WAC 173-405-036(6) shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed 35%.

(8) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific facility providing:

(a) Compliance with all other applicable emission limits can be demonstrated, and;

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(9) Any person electing to apply for exceptions to the provisions of WAC 173-405-036(6) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(10) The opacity provisions of this regulation shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-405-036(8) above.

After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established. [Order DE 76-35, § 173-405-036, filed 12/28/76. Formerly WAC 18-36-036.]

WAC 173-405-061 More restrictive emission standards. The department may establish more restrictive emission standards for new mills or for mills expanding existing facilities. Data documenting projected emissions and changes in, or affects [effects] upon, air quality, that would result from the construction or expansion, must be submitted to the department together with plans and specifications in accordance with the provisions of WAC 173-405-081. [Order DE 76-35, § 173-405-061, filed 12/28/76. Formerly WAC 18-36-061.]

WAC 173-405-071 Monitoring and reporting. (1) Every kraft mill in the state shall install equipment for the continual monitoring of TRS.

(a) The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continual sampling and recording of the concentration of TRS contaminants during a time interval not greater than thirty minutes.

(b) The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

(2) Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its approved sampling program.

(3) Each mill shall submit within sixty days after the effective date of this regulation a detailed monitoring program and time schedule for approval by the department. The equipment shall be ordered within thirty days

after the monitoring program has been approved in writing by the department. The equipment shall be placed in effective operation in accordance with the approved program within ninety days after delivery.

(4) Unless otherwise authorized by the department, data shall be reported by each kraft mill at the end of each calendar month as follows:

(a) Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.

(b) The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds seventeen and one-half p.p.m. dry and the maximum concentration of TRS measured each day.

(c) Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.

(d) Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program.

(e) Average daily equivalent kraft pulp production in unbleached air-dried tons.

(f) Other emission data as specified in the approved monitoring program.

(g) For each lime kiln stack.

(i) The daily average concentration of TRS gases from each lime kiln stack.

(ii) The number of hours each day that the concentration of TRS gases exceeds 80 p.p.m. The hourly average concentration for each hour when the concentration is in excess of 80 p.p.m. and the maximum concentration of TRS measured at each stack.

(5) Each kraft mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emissions or emission control program.

(6) Each mill shall be required to establish a program, approved by the department, for continuous opacity monitoring to demonstrate compliance with WAC 173-405-036(6) and to report the results to the department in a format and on a schedule set by regulatory order.

If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available. [Order DE 76-35, § 173-405-071, filed 12/28/76. Formerly WAC 18-36-071.]

WAC 173-405-076 Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could reasonably be expected to result in emissions in excess of applicable limits set by this regulation, regulatory order or variance, the kraft mill shall take immediate corrective action and shall report such condition to the Department or its delegated agency promptly after the condition occurs. Each kraft mill shall, upon the request of the department or its delegated agency, submit a full written report including the known causes and the preventative measures to be taken to minimize or eliminate a recurrence. [Order DE 76-35, § 173-405-076, filed 12/28/76. Formerly WAC 18-36-076.]

WAC 173-405-081 Notice of construction. (1) Whenever the construction, installation or establishment of a kraft mill is contemplated, the owner or operator thereof shall file a notice of construction with the department.

(2)(a) The addition to or enlargement or replacement of or major alteration in any kraft mill already existing at any point in time which is undertaken pursuant to an approved compliance schedule for the reduction of emissions therefrom shall be exempt from any requirement to comply with the notice of construction requirements of this section.

(b) The addition to or enlargement or replacement of or major alteration in any kraft mill already existing at any point in time which may increase the emission of any air pollutant or which may result in the emission of any pollutant not previously emitted shall be construed as the construction, installation or establishment of a new source.

(3) Within 30 days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The Department shall review notices of construction and plans, specifications and other information associated therewith in order to determine the following:

(a) Whether the proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including whether the operation of the new kraft mill at the location proposed will result in any applicable ambient air quality standard being exceeded. (The applicable ambient air quality standards will be such standards as have, when the notice of construction is filed, been adopted under chapter 70.94 RCW, but it is recognized that the policy of said chapter for compliance with requirements of the Federal Clean Air Act dictates that ambient air quality standards in effect in this state cover all those contaminants for which Federal standards have been promulgated and be equal to or more stringent than such Federal Standards).

(b) Whether the proposed project will provide all known available and reasonable methods of emission control. Whenever a Federal standard of performance is applicable to the source or whenever a national emission standard for hazardous air pollutants is applicable to the source, compliance with this criterion will require provision for emission control which will, at least, satisfy such standards.

(5) Within 30 days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in (4) above;

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations;

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the

preliminary determinations within 30 days from the date such notice is made.

(6) If, after review of all information received, including public comment, with respect to any proposed project, the department makes the determination of (4)(a) or (4)(b) in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new kraft mill.

(7) If, after review of all information received, including public comment, with respect to any proposed project, the Department makes the determinations of (4)(a) and (4)(b) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new kraft mill. The order of approval may provide such conditions of operation as are reasonably necessary to assure the maintenance of compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. [Order DE 76-35, § 173-405-081, filed 12/28/76. Formerly WAC 18-36-081.]

WAC 173-405-091 Special studies. The department may require such additional special studies relevant to process emissions and establish completion dates as it determines necessary. [Order DE 76-35, § 173-405-091, filed 12/28/76. Formerly WAC 18-36-091.]

WAC 173-405-101 Exemption. These regulations do not apply to open burning, solid waste incineration, hog fuel boilers, chlorine-caustic electrolytic plants, and power boiler operations conducted at the site of and ancillary to the kraft pulp mill operation. [Order DE 76-35, § 173-405-101, filed 12/28/76. Formerly WAC 18-36-101.]

Chapter 173-410 WAC
SULFITE PULPING MILLS

WAC

173-410-011 Statement of policy and purpose.
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173-410-051 Compliance schedule.
173-410-061 Monitoring and reporting.
173-410-066 Report of startup, shutdown, breakdown or upset condition.
173-410-081 Notice of construction.
173-410-091 Exemptions.

WAC 173-410-011 Statement of policy and purpose. (1) These rules are enacted under the provisions of the "Washington Clean Air Act" (chapter 70.94 RCW, chapter 168, section 39, Laws of 1969, 1st ex. sess.) to assume state jurisdiction over emissions from sulfite pulping mills in order to provide for the systematic reduction and control of air pollution in the sulfite pulping industry;

(2) It is the policy of the department:

(a) To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices, and procedures.

(b) To require the efficient maintenance and operation of emission control, capture and treatment equipment.

(c) To require the evaluation of improved and effective, measuring techniques for sulfur oxides, total reduced sulfur, particulates, and other emissions from sulfite pulping mills.

(d) To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance or noncompliance therewith.

(e) To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives.

(f) To establish standards deemed to be technically feasible, reasonably attainable, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed. [Order DE 76-36, § 173-410-011, filed 12/28/76. Formerly WAC 18-38-011.]

WAC 173-410-021 Definitions. (1) "Acid Plant" – The facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) "Air Quality Standard" – An established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) "Air Contaminant" – Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(4) "Ambient Air" – The surrounding outside air.

(5) "Average Daily Emission" – Total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(6) "Average Daily Production" – Air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(7) "Blow System" – Includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(8) "Continual Monitoring" – Sampling and analysis in a continuous or time sequence, using techniques which will adequately reflect actual emission levels, ambient air levels or concentrations on a continuous basis.

(9) "Department" – The State of Washington Department of Ecology.

(10) "Director" – Director of the Department of Ecology or his authorized representative.

(11) "Emission" – A release into the outdoor atmosphere of air contaminants.

(12) "Emission Standard" – A limitation on the release of a contaminant or multiple contaminants to the ambient air.

(13) "Fugitive Particulate" – Particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(14) "Opacity" – The degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

(15) "Other Sources" – Sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling on condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those included in the emission standard limitations in WAC 173-410-031.

(16) "ppm" (Parts per million) – Parts of a contaminant per million parts of gas by volume.

(17) "Primary Air Mass Station" – A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(18) "Primary Ground Level Monitoring Station" – Stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be ten to fifteen feet above ground level with a desired optimum height of twelve feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(19) "Particulate Matter" – A small discrete mass of solid or liquid matter, but not including uncombined water.

(20) "Recovery System" – The process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

(21) "Standard Conditions" – A temperature of 60° F. and a pressure of 29.92 inches of mercury.

(22) "Special Station" – Any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(23) "Sulfite Pulping Mill" – Sulfite pulping mill means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers.

(24) "Sulfur Oxides" – Sulfur dioxide, sulfur trioxide and other sulfur oxides.

(25) "Total Reduced Sulfur (TRS)" – Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present. [Order DE 76-36, § 173-410-021, filed 12/28/76. Formerly WAC 18-38-021.]

WAC 173-410-031 Specific emission standards. No sulfite pulping mill shall cause or permit emissions in excess of the limits listed below. (1) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed 20 pounds of sulfur dioxide per ton of air dried, unbleached pulp produced.

(2) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed four pounds of sulfur dioxide per ton of air dried, unbleached pulp produced.

(3) The blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute, on a 15 minute average, per ton of air dried, unbleached pulp discharged from the digester.

(4) Emissions from the recovery system and acid plant, shall not exceed 800 ppm (dry) of sulfur dioxide for any hourly average.

(5) The total average daily emission of particulate matter from the recovery system, shall not exceed four pounds per ton of air dried, unbleached pulp produced.

(6) Mills of less than 150 tons of air dried, unbleached pulp per day, may be exempted from the limitations or [of] sub-section (1), (2), and (3), above, provided:

(a) That the schedule of compliance required by WAC 173-410-051 demonstrates that a minimum of 80% collection efficiency for sulfur dioxide will be maintained and compliance will be achieved no later than December 31, 1975.

(b) That the emission of sulfur oxide shall not result in an ambient concentration greater than 0.8 ppm for any five minute average, and that other state ambient air standards shall not be exceeded at a primary air mass station, a primary ground level monitoring station or a special station. [Order DE 76-36, § 173-410-031, filed 12/28/76. Formerly WAC 18-38-031.]

WAC 173-410-036 General emission standards and nuisance control measures. In addition to the limits of WAC 173-410-031, no sulfite pulping mill shall cause or permit emissions or nuisances listed herein:

(1) The emission of particulate matter from stacks of all particulate emission sources, excluding the acid plant and recovery furnace, shall not exceed one tenth (0.10) grains per standard cubic foot of dry exhaust gas.

(2) Each sulfite mill shall take reasonable precautions to prevent fugitive particulate material from becoming airborne:

(a) When handling, transporting, or storing particulate material when on the mill site.

(b) When constructing, altering, repairing, or demolishing a building, its appurtenances or a road;

(c) From an untreated open area.

(3) No sulfite mill shall cause or permit the installation or use of any device, or the use of any means which without resulting in a reduction in the total amount of

air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(4) No sulfite mill shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the sulfite mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(5) No sulfite mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water droplets, causes detriment to the health, safety or welfare of any person or causes damage to property or business.

(6) The opacity limit established by this section is adopted as an interim standard. The department intends to revise the standard to be consistent with best practicable control and operating requirements and emission standards that may be established in the future.

No person shall cause or allow the emission of a plume from any sulfite mill recovery system or acid plant or other source which has an average opacity greater than 35% at or within a reasonable distance of the emission point, for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-410-036(7) and WAC 173-410-036(8). The opacity determination shall be according to methods on file with the department. There shall be no more than one violation notice issued in any 60 minutes.

(7) This provision of WAC 173-410-036(6) shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed 35%.

(8) Each mill may petition for, and the Department may establish by regulatory order, other opacity limits for a specific facility providing;

(a) Compliance with all other applicable emission limits can be demonstrated, and;

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(9) Any person electing to apply for exceptions to the provisions of WAC 173-410-036(6) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(10) The opacity provisions of this regulation shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-410-036(8) above.

After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established. [Order DE 76-36, § 173-410-036, filed 12/28/76. Formerly WAC 18-38-036.]

WAC 173-410-041 More restrictive emission standards. (1) Notwithstanding the specific emission limits set forth in this chapter, the department may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions, or for mills in areas where it is shown ambient air quality standards are exceeded.

(2) After the effective date of this regulation, any sulfite pulping mill constructed, enlarged, replaced, modified, or altered in any way that would create a new source of emissions or increase emissions, shall meet the following provisions:

(a) Under no circumstances will any mill be allowed to operate with emission levels above those established by WAC 173-410-031, and WAC 173-410-036.

(b) It is the intent of the department to establish, for each mill covered by this section, a maximum operating standard for the recovery system, of 300 ppm of SO_2, dry, as an hourly average, and a total average daily particulate emission limitation of 2 1/2 pounds per ton of air dried, unbleached pulp produced; or such other concentrations as could be achieved: 1) by utilization of best practicable technology; or 2) where factors, such as urban proximity, population density, mill location, topography, and meteorological conditions makes the need for lesser allowable emissions appear desirable and necessary. The operating standard for each mill shall be set by the department, prior to approval of construction.

(c) In keeping with the intent expressed in WAC 173-410-041 (2)(b), each mill shall, prior to construction, submit to the department design information, including cost and operating information as requested by the Department, that would limit SO_2 emissions from new recovery systems to 200 ppm, dry, as an hourly average; and that would limit particulate emissions to 2 pounds per ton of air dried, unbleached pulp produced.

(d) If the Director has reason to believe that the emission from the source is a cause of public nuisance or a cause of violation of ambient air quality standards, the source shall, within 90 days from notification of such occurrence, achieve operation that will prevent further recurrence of the nuisance or violation. [Order DE 76-36, § 173-410-041, filed 12/28/76. Formerly WAC 18-38-041.]

WAC 173-410-051 Compliance. Compliance shall be in accordance with the procedures set forth in chapter 18-60 WAC but in no case shall full compliance be later than the time limitations established in WAC 173-410-031. [Order DE 76-36, § 173-410-051, filed 12/28/76. Formerly WAC 18-38-051.]

WAC 173-410-061 Monitoring and reporting. (1) Each mill shall submit, within sixty days of the date of adoption, a detailed sampling and testing program, and time schedule for approval by the department.

(2) The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of

continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system.

(3) Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.

(4) Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis.

(5) Unless otherwise authorized, data for each calendar month shall be reported for each mill as follows:

(a) For the recovery system, acid plant, and other sources;

(i) Average daily emissions of sulfur dioxide, expressed as pounds of sulfur dioxide per ton of air dried, unbleached pulp produced, and pounds of sulfur dioxide per day.

(ii) Daily average concentrations of sulfur dioxide and, for all hours greater than 800 ppm, dry, the hourly concentrations and hours. All concentrations shall be expressed in ppm, dry. For mills covered by WAC 173-410-041, hourly concentrations of SO_2 greater than 200 ppm, dry, shall be reported.

(iii) Average daily emissions of particulates in pounds per ton of air dried, unbleached pulp.

(b) For the blow system, the pounds of sulfur dioxide per minute on a 15 minute average per ton of air dried, unbleached pulp discharged from the digester.

(c) The average daily production of air dried, unbleached pulp, and the maximum daily production.

(d) Reports shall be submitted within 10 days after the end of each calendar month

(6) For mills operating under the provisions of WAC 173-410-031(6), an ambient monitoring program acceptable to the department must be established and the results submitted monthly.

(7) Each mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emission control program.

(8) All measurements shall be made in accordance with techniques approved by the Department.

(9) Each mill shall be required to establish a program, approved by the department, for continuous opacity monitoring to demonstrate compliance with WAC 173-410-036(6) and to report the results to the department in a format and on a schedule set by regulatory order.

If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available. [Order DE 76-36, § 173-410-061, filed 12/28/76. Formerly WAC 18-38-061.]

WAC 173-410-066 Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could reasonably be expected to result in emissions in excess of applicable limits set by this regulation, regulatory order or variance, or which could result in a violation of ambient air standards, the sulfite pulping mill shall take immediate corrective action and shall report such condition to the Department or its delegated agent promptly after the condition occurs. [Order DE 76-36, § 173-410-066, filed 12/28/76. Formerly WAC 18-38-066.]

WAC 173-410-081 Notice of construction. (1) Whenever the construction, installation or establishment of a sulfite pulping mill is contemplated, the owner or operator thereof shall file a notice of construction with the Department.

(2)(a) The addition to or enlargement or replacement of or major alteration in any sulfite pulping mill already existing at any point in time which is undertaken pursuant to an approved compliance schedule for the reduction of emissions therefrom shall be exempt from any requirement to comply with the notice of construction requirements of this section.

(b) The addition to or enlargement or replacement of or major alteration in any sulfite pulping mill already existing at any point in time which may increase the emission of any air pollutant or which may result in the emission of any air pollutant not previously emitted shall be construed as the construction, installation or establishment of a new source.

(3) Within 30 days of receipt of a notice of construction, the Department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine the following:

(a) Whether the proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including whether the operation of the new sulfite pulping mill at the location proposed will result in any applicable ambient air quality standard being exceeded. (The applicable ambient air quality standards will be such standards as have, when the notice of construction is filed, been adopted under chapter 70.94 RCW, but it is recognized that the policy of said chapter for compliance with requirements of the Federal Clean Air Act dictates that ambient air quality standards in effect in this state cover all those contaminants for which Federal standards have been promulgated and be equal to or more stringent than such Federal standards).

(b) Whether the proposed project will provide all known available and reasonable methods of emission control. Whenever a Federal standard of performance is applicable to the source or whenever a national emission standard for hazardous air pollutants is applicable to the source, compliance with this criterion will require provision for emission control which will, at least, satisfy such standards.

(5) Within 30 days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in (4) above;

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations;

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within 30 days from the date such notice is made.

(6) If, after review of all information received, including public comment, with respect to any proposed project, the Department makes the determination of (4)(a), or (4)(b), in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new sulfite pulping mill.

(7) If, after review of all information received, including public comment, with respect to any proposed project, the Department makes the determination of (4)(a), and (4)(b), in the affirmative, it shall issue an order for approval of the construction, installation or establishment of the new sulfite pulping mill. The order of approval may provide such conditions of operation as are reasonably necessary to assure the maintenance of compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. [Order DE 76–36, § 173–410–081, filed 12/28/76. Formerly WAC 18–38–091.]

WAC 173–410–091 Exemptions. These regulations do not apply to open burning, solid waste incineration, hog fuel boilers, chlorine–caustic electrolytic cells, or any power boiler operations conducted at sulfite pulp mills, unless such boilers are used for incineration of sulfite waste liquor. [Order DE 76–36, § 173–410–091, filed 12/28/76. Formerly WAC 18–38–081.]

Chapter 173–425 WAC
OPEN BURNING

WAC

173–425–010 Purpose.
173–425–020 Applicability.
173–425–030 Definitions.
173–425–035 Episodes.
173–425–045 Prohibited materials.
173–425–055 Exceptions.
173–425–065 Residential open burning.
173–425–075 Commercial open burning.
173–425–085 Agricultural open burning.
173–425–095 No burn area designation.
173–425–100 Delegation of agricultural open burning program.
173–425–115 Limited outdoor burning.
173–425–120 Department of natural resources——Smoke management plan.
173–425–130 Notice of violation.
173–425–140 Remedies.

WAC 173–425–010 Purpose. This rule, promulgated under chapter 70.94 RCW, the Washington state clean air act, authorizes the department of ecology to implement the provisions of that act. This rule establishes controls for open burning in the state in order to:

(1) Minimize the impact of emissions from open burning;

(2) Establish rules and procedures by which open burning may be conducted;

(3) Encourage the development and specify the use of alternate methods of disposal of combustible waste materials. [Order DE 77–19, § 173–425–010, filed 10/24/77. Formerly WAC 18–12–010.]

WAC 173–425–020 Applicability. This chapter applies to open burning in all of the state, except to:

(1) Burning of field and turf grasses grown for seed (governed by chapter 173–430 WAC).

(2) Open burning within the boundaries of any activated air pollution control authority, where that authority is enforcing its own controls for open burning. These controls shall not be less stringent than the requirements in this chapter.

(3) Open burning for activities subject to the permit issuing authority of the department of natural resources, as given in RCW 70.94.660. [Order DE 77–19, § 173–425–020, filed 10/24/77. Formerly WAC 18–12–020.]

WAC 173–425–030 Definitions. (1) Agricultural open burning: Open burning conducted as part of any agricultural operation; but not including yard and gardening activities connected with a residence.

(2) Commercial open burning: Open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.

(3) Department: The department of ecology.

(4) Director: The director of the department of ecology, or his authorized representative.

(5) Episode: A period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in RCW 70.94.415.

(6) Land clearing: Removing structures, trees, shrubbery, or other natural vegetation from a plot of land.

(7) No burn area: An area designated by the department as an area exceeding or threatening to exceed a state ambient air quality standard.

(8) Open burning: The combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

(9) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, government agency.

(10) Small fire: A fire not more than four feet in diameter or more than three feet high.

(11) Silvicultural operation: The growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.

(12) Wood waste residue: Residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land clearing projects (RCW 70.94.750(2)). [Order DE 77–19, § 173–425–030, filed 10/24/77. Formerly WAC 18–12–030.]

WAC 173–425–035 Episodes. (1) No open fire shall be ignited during any stage of an episode.

(2) Any person responsible for an open fire already ignited when any stage of an episode is declared shall extinguish that fire when informed that an episode has

been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down. [Order DE 77-19, § 173-425-035, filed 10/24/77. Formerly WAC 18-12-035.]

WAC 173-425-045 Prohibited materials. Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire:

(1) Garbage;

(2) Dead animals;

(3) Asphaltic products;

(4) Waste petroleum products;

(5) Paints;

(6) Rubber products;

(7) Plastics;

(8) Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors. [Order DE 77-19, § 173-425-045, filed 10/24/77. Formerly WAC 18-12-045.]

WAC 173-425-055 Exceptions. Exceptions to this chapter shall be made only as follows:

(1) When ordered by a duly authorized health officer and when authorized by the department, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

(2) When ordered by a fire protection agency and when authorized by the department, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.

(3) When approved by the department, fires authorized by a fire protection agency as necessary for training may be burned.

(4) When approved by the department, fires set as part of a defined research project may be burned.

(5) The following fires may be burned, if they do not contain prohibited materials, as provided in WAC 173-425-045:

(a) Fires set for recreational, religious ceremony, food preparation, or social purposes;

(b) Small fires set for hand-warming purposes.

(6) At any solid waste disposal site, compliance with any schedule given in any comprehensive solid waste management plan approved by the department shall be considered compliance with this chapter. For any solid waste disposal site not subject to an approved plan, the department may authorize up to six months for a corrective program. If more time is needed, and no comprehensive solid waste management plan has been adopted covering a solid waste disposal site, a compliance schedule for meeting the requirements of this chapter will be adopted by the department for the site. [Order DE 77-19, § 173-425-055, filed 10/24/77. Formerly WAC 18-12-055.]

WAC 173-425-065 Residential open burning. (1) No open fire shall be allowed on the premises of any residence:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035);

(c) If the fire contains prohibited materials, as given in WAC 173-425-045;

(d) If the fire contains any material other than wood, paper, and natural vegetation; or

(e) If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

(2) Small fires on the premises of a residence may be allowed to dispose of wood, paper, and natural vegetation, if:

(a) None of the provisions of WAC 173-425-065(1) are violated;

(b) Such fires do not violate any regulations of a local order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and

(c) Reasonable precautions are taken to prevent particulate emissions when paper is being burned. [Order DE 77-19, § 173-425-065, filed 10/24/77. Formerly WAC 18-12-065.]

WAC 173-425-075 Commercial open burning. (1) No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035);

(c) If the burning contains prohibited materials, as provided in WAC 173-425-045; or

(d) Where a practical alternate method of disposal listed in WAC 173-425-115(2), is reasonably available.

(2) No commercial open burning shall be conducted without authorization from the department. Open burning shall be authorized only if:

(a) The applicant shows that no approved practical alternate method of disposal is reasonably available; and

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits, to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance.

(3) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions. [Order DE 77-19, § 173-425-075, filed 10/24/77. Formerly WAC 173-425-075.]

WAC 173–425–085 Agricultural open burning. (1) No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173–425–095;

(b) During any stage of an episode (see WAC 173–425–035);

(c) If the burning contains prohibited materials, described in WAC 173–425–045; or

(d) If the burning contains any material other than natural vegetation and wood wastes generated on the property, which is the burning site, or transported to the burning site by wind or water.

(2) Except as provided in WAC 173–425–085(3), agricultural open burning shall not be conducted without a permit from the department. Permits shall be issued only if:

(a) None of WAC 173–425–085(1) would be violated by the burning;

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,

(d) The burning is necessary to control disease or insect infestation, and other measures are not available; or

(e) The burning is necessary to develop physiological conditions conducive to increased crop yield, and other measures are not available.

In making a determination under WAC 173–425–085(2)(d) or (e), the department will consult the county extension agent.

(3) Agricultural open burning may be conducted without a permit if:

(a) None of WAC 173–425–085(1) would be violated by the burning;

(b) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

(c) The fire covers one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

(4) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions. [Order DE 77–19, § 173–425–085, filed 10/24/77. Formerly WAC 18–12–085.]

WAC 173–425–095 No burn area designation. (1) The department shall designate as no burn areas those geographic areas where ambient air quality standards for suspended particulates, set forth in WAC 18–40–030, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data gathered at primary air mass stations.

(2) The department shall not designate "no burn" areas within the boundaries of any activated air pollution control authority, unless data exist to support that designation and the authority, after being notified, refuses to make such a designation.

(3) The designation of any area as a "no burn" area by the department shall be made by rule–making procedure and only after public hearing.

(4) Open burning shall not be conducted in any designated "no burn" area. [Order DE 77–19, § 173–425–095, filed 10/24/77. Formerly WAC 18–12–095.]

WAC 173–425–100 Delegation of agricultural open burning program. (1) When the department finds that any county, which is outside the jurisdictional boundaries of an activated air pollution control authority, is capable of administering the permit program of WAC 173–425–085 and desires to do so, the department may delegate the administration of the program to the county.

(2) This delegation may be withdrawn if the department finds that the county is not effectively administering the permit program. Before withdrawing delegation, the department shall give the county a chance to correct permit program deficiencies. [Order DE 77–19, § 173–425–100, filed 10/24/77. Formerly WAC 18–12–100.]

WAC 173–425–115 Limited outdoor burning. (1) To further the policies of this chapter and policies expressed in RCW 70.94.745, the department has determined, that alternate technology and methods exist for disposing of wood waste residue resulting from highway right of way land clearing projects or commercial land clearing projects which generate five hundred or more tons of wood waste residue (two thousand or more cubic yards). Further, these methods and technology are considered less harmful to the environment than open burning. These alternates are also reasonably economical when the cost of disposal is nine hundred dollars or less per acre.

(2) These alternate methods and technology are:

(a) Chipping, with chips disposed of commercially or by on–site dispersal, haul to landfill, burning in an approved way, or other approved methods, as may be available.

(b) Hauling for disposal elsewhere, such as landfill, commercial use, or other approved methods, as may be available.

(c) On–site disposal in landfill.

(d) On or off–site disposal by a waste combustion method capable of complying with the emission standards set forth in WAC 173–425–115(3).

(3) As a result of the determination made in WAC 173–425–115(1) for disposing of wood waste residue that results from highway right of way land clearing projects which generate five hundred or more tons of wood waste residue (two thousand or more cubic yards) or from commercial land clearing projects which generate five hundred or more tons of wood waste residue (two thousand or more cubic yards):

(a) No person shall cause or permit the emission, for more than three minutes in any one hour, of an air contaminant from any disposal method covered by WAC 173–425–115 which, at the emission point or within a reasonable distance from the emission point, exceeds twenty percent opacity, except as follows:

(i) The emission may exceed twenty percent opacity for the first fifteen minutes after a startup, for not more than two startups every twenty–four hours.

(ii) When the person responsible for the source can show that the emission over twenty percent opacity will not exceed fifteen minutes in any eight consecutive hours after startup.

(b) No person shall cause or permit the emission of particulate matter from any source, which then becomes deposited beyond the property directly controlled by the owner or operator of the source in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited. (WAC 173–400–040(2)).

(c) No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water vapor harms the health, safety, or welfare of any person or damages property or business. (WAC 173–400–040(5)).

(4) Using alternates listed in WAC 173–425–115(2) is reasonably economical for the projects described in WAC 173–425–115(3) when the alternates can be provided without delay in the project which will create an economic or other hardship, and without costing more than nine hundred dollars per acre.

If the requirement to use an alternate will cause a delay of sixty days or more in completing a project, then the alternate will not be required. Any delay shorter than sixty days will be evaluated on a case–by–case basis.

If the cost of disposing of the wood waste residue is greater than nine hundred dollars per acre, then the alternate will not be required. The cost of clearing and grubbing will not be considered as part of the cost of disposal, unless certain additional costs are required to use the alternate, such as the cost of building a road which would not otherwise be required.

(5) Using an alternate must comply with all other applicable statutes, regulations, ordinances, and/or resolutions of state or local government entities. These include noise regulations, solid waste regulations, and those requirements of local air pollution control authorities which are more stringent than those of the department.

(6) The requirements for owner or operator of the source to comply with WAC 173–425–115(3)(a) may be waived. Open burning may then be authorized by the department or air pollution control authority, as appropriate, if the owner or operator of the source shows, to the department or air pollution control authority, that:

(a) A delay will result from using the alternates, causing an economic or other hardship;

(b) Other legal requirements may be violated;

(c) A bid cannot be obtained for disposal using an alternate described in WAC 173–425–115, at a cost of nine hundred dollars per acre or less; or

(d) The wood waste residue to be disposed of from the land clearing project is less than five hundred tons (two thousand cubic yards).

(7) The department or air pollution control authority may charge a fee to cover administrative costs of processing the waiver request.

(8) When an alternate is to be used at any site for six or more months, the requirements of WAC 173–400–110 (notice of construction) shall be met.

(9) In this chapter, land clearing projects located close to one another and burned near the same time, which appear to be a single project, shall be presumed to be one project.

(10) In this chapter, normal clearing and grubbing do not include any activity or action related to using alternate methods and technology listed in WAC 173–425–115(2).

(11) In this chapter, one cubic yard of wood waste residue equals five hundred pounds. [Order DE 77–19, § 173–425–115, filed 10/24/77. Formerly WAC 18–12–115.]

WAC 173–425–120 Department of natural resources——Smoke management plan. The department of natural resources has the responsibility for issuing and regulating burning permits for open fire in areas protected by the department of natural resources, when such fires are for:

(1) Abating a forest fire hazard;

(2) Preventing a fire hazard;

(3) Instructing public officials in methods of forest fire fighting;

(4) Any silvicultural operation to improve the forest lands of the state.

Fires set for these purposes must be conducted according to the provisions of the smoke management plan administered by the department of natural resources in agreement with the department of ecology and other involved agencies. [Order DE 77–19, § 173–425–120, filed 10/24/77. Formerly WAC 18–12–120.]

WAC 173–425–130 Notice of violation. The department may issue a notice of violation to the person responsible for the fire when:

(1) Conditions of a permit issued under this chapter are violated;

(2) Any open fire is ignited or, if ignited, is not extinguished, when the person responsible for the fire is aware that any air pollution episode stage has been declared;

(3) An open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and no such permit has been obtained;

(4) Prohibited materials are burned in an open fire.

Procedures for notices of violation shall follow RCW 70.94.332. [Order DE 77–19, § 173–425–130, filed 10/24/77. Formerly WAC 18–12–130.]

WAC 173-425-140 Remedies. Any violation of this chapter may be subject to any penalty or other remedy given in chapter 70.94 RCW. [Order DE 77-19, § 173-425-140, filed 10/24/77. Formerly WAC 18-12-140.]

Chapter 173-430 WAC
BURNING OF FIELD AND FORAGE AND TURF GRASSES GROWN FOR SEED

WAC

173-430-010 Purpose.
173-430-020 Definitions.
173-430-030 Permits, conditions, and restrictions.
173-430-040 Mobile field burners.
173-430-050 Other approvals.
173-430-060 Study of alternatives.
173-430-070 Fees.
173-430-080 Certification of alternatives.

WAC 173-430-010 Purpose. (1) These rules are enacted under the provisions of the Washington State Clean Air Act, chapter 70.94 RCW, as amended, to assume state jurisdiction over and to control emissions from the burning of field and forage, and turf grasses grown for seed.

(2) Authority to enforce all provisions of this regulation, including establishing permit conditions and issuing permits, is delegated to and shall be carried out by all activated air pollution control authorities. In those areas not under the jurisdiction of any activated air pollution control authority, the Department of Ecology shall enforce these regulations, including establishing permit conditions and issuing permits.

(3) The purpose of this chapter is to:

(a) Minimize adverse effects on air quality from the open burning of field and forage, and turf grasses grown for seed;

(b) Provide for implementation of a research program to explore and identify economical and practical alternative agricultural practices to the open burning of field and forage, and turf grasses grown for seed;

(c) Provide for interim regulation of such burning until practical alternatives are found. [Order DE 77-20, § 173-430-010, filed 11/9/77. Formerly WAC 18-16-010.]

WAC 173-430-020 Definitions. (1) Department: The department of ecology.

(2) Director: The director of the department of ecology.

(3) Emissions: A release of air contaminants into the outdoor atmosphere.

(4) Field and forage grasses: Canarygrass, bromegrass, oatgrass, timothy, wheatgrass, and orchardgrass, planted to produce seed.

(5) Open burning: The combustion of material in the open or in a container, with no provisions for control of the combustion or control over the combustion products.

(6) Particulate: A small discrete mass of solid or liquid matter, not including uncombined water.

(7) Standard conditions: 60°F. and 29.92 inches of mercury.

(8) Straw: All material, other than seed, removed by swathing, combining, or cutting.

(9) Turf grasses: All blue grasses, fescues, bentgrass, and perennial ryegrass, planted to produce seed. [Order DE 77-20, § 173-430-020, filed 11/9/77. Formerly WAC 18-16-020.]

WAC 173-430-030 Permits, conditions, and restrictions. (1) No open burning of field or forage grasses, or turf grasses shall be undertaken unless a permit has been obtained from the department or from an activated air pollution control authority, as appropriate. The issuance of permits shall be governed by consideration of air quality conditions in the area affected by the proposed burning, the time of year, meteorological conditions, the size and duration of the proposed burning activity, the applicant's need to carry out such burning, and the public's interest in the environment. Permits will be conditioned to minimize air pollution effects as far as practical. Until approved alternatives become available, the department or the authority may limit the number of acres, on a pro rata basis, among those affected for which permits to burn will be issued in order to control emissions from this source.

(2) The department or activated air pollution control authority may deny permits or establish permit conditions based on the considerations cited in WAC 173-430-030(1).

Permit conditions may include requirements for straw removal and limits on acreage to be burned. Burning of acreage not previously under permit may be banned or subject to more restrictive conditions. Burning of field and forage grasses may be restricted, and other measures may be required to minimize air pollution effects.

Permits issued before 1978 will establish a permit history for the applicant. This permit history will apply to an applicant and not to specific parcels of land, except land transferred to a spouse, son, or daughter, will retain a permit history as established by the original applicant.

Permit history will be established only for the maximum amount of acreage included in any permit issued before 1978.

Denying permits or establishing more restrictive permit conditions may become necessary. This denial or restriction may first be applied to applicants without a permit history and to amounts of acreage not included in an applicant's permit history.

Applicants who received permits before 1978 may be given priority for burning the amount of acreage cited in the permit history, if any program is implemented to limit acreage burned or to impose more stringent permit conditions.

(3) Open burning of field and forage grasses shall be prohibited. However, a permit may be issued to burn field and forage grasses for disease, pest, or weed control, if such need is certified by a county agent or other agricultural authority; or if such grasses were planted as part of a soil erosion control plan approved by a conservation district.

(4) Permit restrictions or conditions for burning turf grasses may be established for the reasons cited in WAC 173-430-030(3).

(5) Open burning of all grasses scheduled for tear-out shall be prohibited unless a permit specifically allows such burning.

(6) Practical alternative production methods and disease controls which would reduce or eliminate open burning shall be used when reasonably available. These methods and controls shall be used regardless of specific provisions of the compliance program described in this section. [Order DE 77-20, § 173-430-030, filed 11/9/77. Formerly WAC 18-16-030.]

WAC 173-430-040 Mobile field burners. Mobile field burners, and other methods of incineration not classified as open burning, shall not be prohibited by the restrictions in WAC 173-430-030: *Provided*, That emissions do not exceed the following standards:

(1) Visible emissions shall not exceed an opacity of 20 percent for more than three minutes in any one hour;

(2) Particulate emissions shall not exceed 0.1 grains per standard cubic foot of exhaust gas, corrected to seven percent oxygen at standard conditions, dry. [Order DE 77-20, § 173-430-040, filed 11/9/77. Formerly WAC 18-16-040.]

WAC 173-430-050 Other approvals. Nothing in this chapter shall relieve any applicant for a permit hereunder from obtaining permits, licenses, or approvals required by any other laws, regulations, or ordinances. [Order DE 77-20, § 173-430-050, filed 11/9/77. Formerly WAC 18-16-050.]

WAC 173-430-060 Study of alternatives. The department shall conduct, cause to be conducted, or approve of a study or studies to explore and identify economical and practical alternative practices to open burning of field and forage, and turf grasses grown for seed. To conduct any such study, the department may contract with public or private entities. Any approved study shall provide for the identification of such alternatives as soon as possible. The department shall annually review the progress of such studies. The department shall, by January 1, 1981, review provisions of this regulation and available alternatives to open burning and determine if continuing open burning of field and forage, and turf grasses is justified. [Order DE 77-20, § 173-430-060, filed 11/9/77. Formerly WAC 18-16-060.]

WAC 173-430-070 Fees. (1) To support the study or studies described in WAC 173-430-060, the department or activated air pollution control authority, as appropriate, shall collect a fee of fifty cents per acre of crop to be burned before any permit is issued under WAC 173-430-030. This fee shall be submitted with individual permit applications.

(2) When a permit is granted to burn fewer acres than requested in the permit application, the department or authority, as appropriate, shall refund to the permit applicant that part of the permit fee which applies to the acreage not permitted to burn.

(3) Permits issued under this chapter grant approval to burn the number of acres specified in the permit. If, after receiving a permit, a grower burns fewer acres than allowed under the permit, no part of the permit fee will be refunded.

(4) After granting any permit and making any refund required under WAC 173-430-070(2), any authority shall transfer the permit fee to the department.

(5) The department shall deposit all permit fees in a special grass seed burning research account in the general fund.

(6) The department shall allocate moneys annually from this account to support approved studies provided for in WAC 173-430-060, up to the amount appropriated to the department for such purpose.

(7) When the department concludes that enough reasonably available alternative practices to the open burning of field and forage, and turf grasses grown for seed have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved. Any money remaining in the account shall revert to the general fund. [Order DE 77-20, § 173-430-070, filed 11/9/77. Formerly WAC 18-16-070.]

WAC 173-430-080 Certification of alternatives. When enough information on alternative practices to open burning becomes available, the department shall conduct public hearings to receive testimony from interested parties. If the department then concludes that any procedure, program, technique, or device is a practical alternative to the open burning of field and forage, or turf grasses grown for seed, the department shall, by order, approve such alternative. After approval, any alternative that is reasonably available shall be used; and open burning of field and forage, and turf grasses grown for seed shall not be allowed. [Order DE 77-20, § 173-430-080, filed 11/9/77. Formerly WAC 18-16-080.]

Chapter 173-435 WAC
EMERGENCY EPISODE PLAN

WAC

173-435-010 Purpose.
173-435-020 Definitions.
173-435-030 Episode stage criteria.
173-435-040 Source emission reduction plans.
173-435-050 Action procedures.
173-435-060 Enforcement.
173-435-070 Sampling sites, equipment, and methods.

WAC 173-435-010 Purpose. These rules implement chapter 70.94 RCW, The Washington State Clean Air Act, as amended by chapter 194, Laws of 1971 ex. sess.

Air pollution episodes occur under meteorological conditions that reduce the effective volume of air into which air contaminants are introduced. When these conditions occur, there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety. The avoidance of high contaminant concentrations during an episode requires a plan which will provide for rapid short-term emission reduction. This chapter sets up such an episode avoidance plan. [Order DE 77-21, § 173-435-010, filed 10/31/77. Formerly WAC 18-08-010.]

WAC 173-435-020 Definitions. (1) Air Quality Control Region: An area designated as an air quality control region by the federal environmental protection agency.

(2) Air Contaminant: Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combinations thereof.

(3) Department: The department of ecology.

(4) Director: The director of the department of ecology.

(5) Emission: A release of air contaminants into the outdoor atmosphere.

(6) Episode Stage: A prescribed level of air contaminants or meteorological conditions where certain control actions are required to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to the health of persons.

(7) Emergency Action Center: The headquarters for all department actions during an episode stage.

(8) Hour: A 60 minute period, beginning and ending on a clock hour.

(9) 8 Hours: Any consecutive 8 hours, starting at any clock hour.

(10) Major source: Any source which is estimated to emit at an annual rate of 25 tons per year or more of SO_2, particulates, or carbon monoxide.

(11) ppm: Parts per million (parts of contaminant per million parts of gas or air by volume).

(12) Particulates: Small discrete masses of solid or liquid matter, but not including uncombined water. (For air pollution usage, sizes generally range from submicron to over 2000 microns).

(13) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, governmental agency, or other entity.

(14) Source Emission Reduction Plan (SERP): A plan developed for an individual air pollution source and approved by the director, which sets forth the actions to be taken at that source upon the declaration of various stages of an episode.

(15) 24 Hours: Any consecutive 24 hours, starting at any clock hour. [Order DE 77-21, § 173-435-020, filed 10/31/77. Formerly WAC 18-08-020.]

WAC 173-435-030 Episode stage criteria. The declaration of episode stages shall be in accordance with the following criteria:

(1) **Stage:** "First or Forecast" – The forecast stage indicates the presence of meteorological conditions conducive to the accumulation of air contaminants. A forecast stage may be declared when an air stagnation advisory is issued by the national weather service or there is equivalent indication of stagnant atmospheric conditions and conditions are forecast to persist for 24 hours. Declaration of this stage will activate increased air quality surveillance.

(2) **Stage:** "Second or Alert" – The alert stage is that concentration of pollutants at which control actions are to begin. An alert will be declared when any one of the following levels is reached:

(a) SO_2 – 800 $\mu g/m^3$ (0.3 ppm), 24-hour average.

(b) Particulate – 375 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined – product of SO_2 – $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 65×10^3.

(d) CO – 17 mg/m^3 (15 ppm), 8-hour average.

(e) Oxidant (O_3) – 400 $\mu g/m^3$ (0.2 ppm) – 1-hour average.

(f) NO_2 – 1130 $\mu g/m^3$ (0.6 ppm) 1-hour average, 282 $\mu g/m^3$ (0.15 ppm) 24-hour average; and meteorological conditions are such that the pollutant concentrations can be expected to remain at or above the alert levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(3) **Stage:** "Third or Warning" – The warning stage indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached:

(a) SO_2 – 1,600 $\mu g/m^3$ (0.6 ppm), 24-hour average.

(b) Particulate – 625 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined – product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 261×10^3.

(d) CO – 34 mg/m^3 (30 ppm), 8-hour average.

(e) Oxidant (O_3) – 800 $\mu g/m^3$ (0.4 ppm), 1-hour average.

(f) NO_2 – 2,260 $\mu g/m^3$ (1.2 ppm), 1-hour average; 565 $\mu g/m^3$ (0.3 ppm), 24-hour average; and meteorological conditions are such that pollutant concentrations can be expected to remain at or above the warning levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(4) **Stage:** "Fourth or Emergency" – The emergency stage indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) SO_2 – 2,100 $\mu g/m^3$ (0.8 ppm), 24-hour average.

(b) Particulate – 875 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined – product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 393×10^3.

(d) CO – 46 mg/m^3 (40 ppm), 8-hour average.

(e) Oxidant (O_3) – 1,200 $\mu g/m^3$, (0.6 ppm), 1-hour average.

(f) NO_2 – 3,000 $\mu g/m^3$ (1.6 ppm), 1-hour average; 750 $\mu g/m^3$ (0.4 ppm), 24-hour average; and meteorological conditions are such that this condition can be expected to remain at or above emergency levels for 12 or more hours, or can be expected to recur within 24 hours.

(5) **Stage:** "Termination" – Once declared, any stage reached by applying these criteria will remain in effect until the criteria for that level are no longer met. At that time, the next lower stage will be declared. When conditions improve to where the criteria are no longer met for any episode stage, the episode will be terminated. [Order DE 77-21, § 173-435-030, filed 10/31/77. Formerly WAC 18-08-030.]

WAC 173-435-040 Source emission reduction plans. (1) Any person responsible for the operation of a major source, when requested in writing by the director or his

authorized representative, shall prepare, in consultation with the department, a source emission reduction plan (SERP). This SERP shall be consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the outdoor atmosphere during periods of air pollution alert, warning, and emergency.

(2) SERPs shall be in writing and shall show the source of air contamination, describe the manner in which the reduction of air contaminant emissions will be achieved during periods of air pollution alert, warning, and emergency, and give the amount of reduction for each stage.

(3) During periods of air pollution alert, warning, or emergency, SERPs shall be made available, on the premises of sources required under this section to have them, to any person authorized to enforce the provisions of this episode avoidance plan.

(4) SERPs shall be submitted to the director within 30 days after receipt of a request thereof.

(5) SERPs shall be reviewed and approved by the director. If, in the opinion of the director, and SERP does not, in whole or in part, provide for satisfactory emission reduction during an episode, the director may disapprove such SERP, give the reason for disapproval, and require the resubmittal of same within a specified time period.

If within the time period specified, the person responsible fails to submit a SERP satisfactory to the director, the director may revise the SERP to cause it to meet episode avoidance objectives. This revised plan will then be the SERP for the source to which it applies.

(6) SERPs may be amended after submission to the director of a revised SERP. This revised SERP will be processed in the same manner as the originally submitted SERP.

(7) An emission reduction plan for the purpose of reducing motor vehicle emissions during episode stages, will be developed or approved by the department. These plans may include actions to be taken by other governmental units, citizens, and businesses. [Order DE 77-21, § 173-435-040, filed 10/31/77. Formerly WAC 18-08-040.]

WAC 173-435-050 Action procedures. (1) Whenever applicable criteria are met, the director, or his duly authorized representative, may declare and terminate the forecast, alert, and warning stages of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(2) No open fires shall be ignited during any stage of an episode. Any person responsible for an open fire already ignited shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Whenever applicable criteria are met, the governor may declare and terminate the emergency stage of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(4) Adverse air quality need not be region-wide for any episode stage to be declared. Action procedures may be taken for any area affected or likely to be affected by episode conditions. The declaration of any episode stage shall specify the area to which it applies.

(5) The broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.

(6) Regardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs, if any.

(7) Whenever an episode stage is declared on the basis of contaminant levels of carbon monoxide, oxidant, or nitrogen dioxide, the director, or his duly authorized representative, shall take such action as may be required to reduce emissions from motor vehicles. These actions may include, but are not limited to, the rerouting or detouring of traffic. Actions to be taken by cities and businesses will be established and implemented according to plans developed by them and approved by the department. These plans must meet criteria for emission reduction established by the department. [Order DE 77-21, § 173-435-050, filed 10/31/77. Formerly WAC 18-08-050.]

WAC 173-435-060 Enforcement. (1) Whenever any episode stage has been declared, the department shall establish an emergency action center, which shall be the headquarters for all department actions during the episode.

(2) The department shall develop an operations manual, which shall set forth a plan for the receipt, processing, and dissemination of information and data during an episode.

(3) Enforcement with respect to any episode shall be directed from the emergency action center by the director and/or his authorized representatives in consultation with the governor's office.

(4) Authorized personnel of the department, the department of social and health services, and the state police shall have the authority to enforce orders of the director or the governor, issued under this chapter, as directed from the emergency action center. In addition, authorized personnel of any local air pollution control agency or local police force shall have the authority to enforce such orders against sources within the area over which that agency or police force has jurisdiction, as directed from the emergency action center.

(5) To determine compliance with any SERP, those persons authorized to enforce orders, hereunder, shall have the authority to enter upon any private or public property, excepting nonmultiple unit private dwellings, housing two families or less. No person shall refuse entry or access to enforcement personnel who request entry and present appropriate credentials.

(6) Whenever it appears that action being taken in compliance with SERPs will not avert imminent danger to public health and safety, the governor may order the following additional measures:

(a) Stopping and prohibiting motor vehicle travel and traffic;

(b) Closing down or restricting the use of any business, commercial, industrial or other establishment or activity which contributes to the emission of contaminants to the air.

(7) Any declaration or order issued in accordance with WAC 173-435-050 shall be effective immediately and shall not be stayed, pending completion of review.

(8) Whenever any order has been issued hereunder, the attorney general, upon the request of the governor or the director, or the authorized representative of either, shall petition the superior court of the county in which a source is located for a temporary restraining order for the immediate reduction or discontinuance of emissions from that source. [Order DE 77-21, § 173-435-060, filed 10/31/77. Formerly WAC 18-08-060.]

WAC 173-435-070 Sampling sites, equipment, and methods. (1) Data from all stations shall be considered when determining episode conditions. The department shall specify particulate monitoring stations to be operated continuously during any episode stage for episode management purposes. Stations from which episode declarations are based must be located in such a manner that the area represented by that station and the sources contributing to the episode condition can reasonably be determined and corrective actions taken.

(2) Sampling and analysis will be done by federal reference or federal equivalent methods; except the department may approve other sampling and analysis methods for particulate if reasonable site specific equivalency with the federal reference method has been demonstrated. This equivalency must be reestablished biennially. [Order DE 77-21, § 173-435-070, filed 10/31/77.]

Chapter 173-495 WAC
WEATHER MODIFICATION

WAC

173-495-010 Purpose.
173-495-020 Definitions.
173-495-030 Requirement for licenses and permits.
173-495-040 Exempt activities——Requirements of those exempted.
173-495-045 Qualifications for license——Regular.
173-495-050 Qualifications for license——Restricted license.
173-495-060 Procedures for issuing license.
173-495-065 Period of license.
173-495-070 Permits requirements.
173-495-080 Permittee's report of operations——Requirement.
173-495-100 Revocation, suspension, modification.
173-495-120 Proof of financial responsibility.

WAC 173-495-010 Purpose. The department of ecology, under the authority vested in it by chapter 43-.37 RCW, is charged with responsibilities for the supervision and control of all weather modification activities within the state, and representation by the state in all interstate contacts relating to weather modification and control. This regulation provides the basic framework for carrying out the state's responsibility for such a program through the establishment of license and permit requirements and procedures, report requirements, and fee requirements. The provisions of this chapter shall apply to all weather modification activities in all parts of the state except as specifically exempted in this chapter on in chapter 43.37 RCW. [Order DE 77-29, § 173-495-010, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-020 Definitions. As used in these regulations unless the context requires otherwise:

(1) "Department" means the department of ecology.

(2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or in the case of the performance of weather modification and control activities, individually or jointly, by a person or persons to be benefited and not undertaken pursuant to a contract, operation means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area and one continuing time interval not exceeding one year.

(3) "Research and development" means theoretical analysis, exploration and experimentation, and the extension of investigative findings of theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processing.

(4) "Weather modification and control" means changing or controlling, or attempting to change or control by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere. [Order DE 77-29, § 173-495-020, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-030 Requirement for licenses and permits. No person shall engage in weather modification activities except under and in accordance with a license and a permit issued by the department, unless specifically exempt from this requirement in WAC 173-495-050. [Order DE 77-29, § 173-495-030, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-040 Exempt activities——Requirements of those exempted. The following weather modification and control activity shall be exempt from the license requirement of RCW 43.37.100, the permit requirements of RCW 43.37.100, and the liability requirements of RCW 43.37.190:

(1) All research and experiments related to weather modification control conducted within laboratories.

(2) Those weather modification operations designed to alleviate sudden, unexpected, hazardous conditions which require expeditious localized action for:

(a) protection against fire

(b) prevention of frost

(c) dispersal of fog

(3) Field research and development by institutions of higher learning.

(4) Any person proposing to conduct weather modification and control activities as described in subsection (2) above shall make every reasonable effort prior thereto to notify the Department of Ecology, headquarters offices in Olympia, Washington, of the type of activity to be carried out, the person carrying out the activity and the materials and technique of application to be used.

(5) Any person proposing to conduct weather modification and control activities as described in subsection (3) above shall provide a written description of the proposed program, notice of actual operations ten days prior to commencement, and quarterly reports of operations and status to the headquarters office Department of Ecology, Olympia, Washington [Order DE 77–29, § 173–495–040, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–045 Qualifications for license—— Regular. All applicants for a weather modification license shall be certified professional members of the American Meteorological Society or possess the academic achievements and professional experience necessary to receive such certification. In cases where the applicant is an organization, the individual or individuals who will be in control and in charge of the weather modification and control activities shall be required to meet the above standard. [Order DE 77–29, § 173–495–045, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–050 Qualifications for license—— Restricted license. (1) A restricted license may be issued to an applicant for such license when:

(a) the applicant's proposed weather modification activities are limited solely to those designed to disperse fog over airports; and

(b) the applicant will be fully advised of the pertinent weather information by the meteorologist on duty during the carrying out of the airport fog dispersal.

(2) Applicants for restricted licenses are not required to meet the qualifications otherwise imposed by WAC 173–495–040. [Order DE 77–29, § 173–495–050, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–060 Procedures for issuing license. (1) Any person or organization desiring to obtain a license or restricted license shall make an application to the department of ecology on the form prescribed, listing name, business address, etc.

(2) The department may require additional information of the applicant to determine competency in the field of meteorology. Such additional information shall be requested of the applicant by certified mail, and shall be submitted in writing.

(3) Prior to the issuance of any license, the applicant shall pay a fee of $100 to the state of Washington.

(4) The application shall be deemed received by the department of ecology when received at the headquarters offices, Department of Ecology, Olympia, Washington, 98504. [Order DE 77–29, § 173–495–060, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–065 Period of license. (1) Licenses issued pursuant to chapter 43.37 RCW and these regulations shall be effective for a period of one year, to terminate at the end of the calendar year of issuance.

(2) No later than thirty days prior to the end of the calendar year, the licensee may request a renewal of the license. The department shall review said license upon the payment of a renewal fee of $100 to the state of Washington.

(3) In the determination of whether or not to grant such renewal request, the department shall consider, and the applicant shall provide, information as to whether the facts and circumstances relied on in the issuance of the original permit have changed or altered. If the department determines that the licensee no longer meets the requirements of competency in the field of meteorology, the department may refuse to renew said license. [Order DE 77–29, § 173–495–065, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–070 Permits requirements. (1) Each weather modification operation not specifically exempted by statute or these regulations shall require a permit. A separate permit shall be issued for each operation.

(2) A license holder desiring to conduct a weather modification operation shall submit an application for a permit to the department of ecology.

(3) The permit applicant must hold a valid weather modification license from the state of Washington.

(4) The applicant shall publish notice of intention at least once a week for three consecutive weeks in a legal newspaper having general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affecteded area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county.

(5) Proof of publication of the notice of intention, made in the manner provided herein, shall be filed by the licensee with the department within fifteen days from the date of last publication of the notice.

(6) The notice of intention shall contain at least the following:

(a) the name and address of the licensee;

(b) the nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;

(c) the area in which and the appropriate time during which the operation will be conducted;

(d) the area which is intended to be affected by the operation;

(e) the materials and methods to be used in conducting the operation.

(7) The applicant shall furnish proof of financial responsibility, as described in WAC 173–495–120 of this chapter.

(8) The applicant shall pay a permit fee of one and one–half percent of the estimated cost of the operation. The estimated cost will be computed by the department from evidence available to it.

(9) Prior to issuance of a permit the department shall make a determination in writing that the weather modification and control activities proposed to be conducted under authority of the permit have been determined to be for the general welfare and public good.

(10) The department shall hold an open public hearing at its headquarters office in Olympia prior to any such permit issuance. [Order DE 77–29, § 173–495–070, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–080 Permittee's report of operations——Requirement. The permittee shall be required to maintain reports on all operations on a daily basis, and submit twice a month (1st day and 15th day) to the department of ecology. The semi–monthly reports shall include the following information:

(1) Number of days under contract.

(2) Number of days of operation and number of hours of each day, for all stations operated.

(3) The consumption rate and name of seeding agent used.

(4) A brief summary statement evaluating the past fifteen day period in regard to the seeding potential and experience.

(5) Location of operations.

(6) Name and mailing address of each individual, other than the licensee, participating or assisting in the operation.

(7) A brief statement of projected plans for the coming fifteen day period.

(8) In the event operations are unexpectedly terminated, a special report covering that fraction of the half–month period of operation is required. All reports must be post–marked not later than one day after due date.

(9) All such records are public records which shall be open to public inspection. [Order DE 77–29, § 173–495–080, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–100 Revocation, suspension, modification. (1) All permits authorized by RCW 43.37.110 shall contain the following provisions: "The department may, if it appears that continuing operation under this permit will cause immediate injury to persons or property, terminate or otherwise modify the terms of this permit in order to alleviate an emergency situation by giving notice to the permittee by telegram or other writing."

(2) All permits authorized by RCW 43.37.110 may be revoked, suspended, or modified when the department has reason to believe that good cause exists and that the revocation, suspension, or modification is required for the general welfare and public good. Any such revocation, suspension, or modification shall not be undertaken prior to written notice by certified mail to the permittee. Opportunity for comment by the permittee shall be allowed. Any final departmental decision shall be in writing.

(3) In the event the applicant desires to appeal any permit revocation, modification, or suspension action by the department such appeal must be filed with the pollution control hearings board in Olympia within thirty days of the department's action. An appeal does not constitute a stay. [Order DE 77–29, § 173–495–100, filed 12/29/77. Formerly chapter 508–20 WAC.]

WAC 173–495–120 Proof of financial responsibility. A permit applicant shall furnish proof of financial responsibility to the department of ecology by one of the following:

(1) Copy of insurance policy or binder for the operator.

(2) A current balance sheet showing sufficient assets to demonstrate financial responsibility.

(3) Bond for safe performance.

(4) Such other information as the applicant may provide the department, in writing, if one of the alternate methods (1) – (3), above, is not feasible or available, provided the applicant explains the infeasibility or unavailability. [Order DE 77–29, § 173–495–120, filed 12/29/77.]

Chapter 173–500 WAC
WATER RESOURCES MANAGEMENT PROGRAM ESTABLISHED PURSUANT TO THE WATER RESOURCES ACT OF 1971

WAC

173–500–010	Background.
173–500–020	Purpose.
173–500–030	Authority.
173–500–040	Water resource inventory areas.
173–500–050	Definitions.
173–500–060	General provisions.
173–500–990	Map——Water resources inventory areas sub–basins.

WAC 173–500–010 Background. (1) The Water Resources Act of 1971 (chapter 90.54 RCW) set forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The department was directed, through the adoption of appropriate rules, to develop and implement a comprehensive state water program which would provide a process for making decisions on future water resource allocations and uses.

(3) The act provides that the department of ecology may develop a water program in regional segments so that immediate attention may be given to waters of a give physio–economic region of the state or to specific critical problems of water allocation and use.

(4) The act further directed the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act. [Order DE 75-23, § 173-500-010, filed 1/6/76.]

WAC 173-500-020 Purpose. The purpose of this chapter is to set forth a program which will provide guidelines to facilitate the further development of the water resources to the extent of their availability for further appropriation and implement the legislative intent as contained in RCW 90.54.040(1). The program shall, where appropriate:

(1) Identify and foster development of water resource projects;

(2) Declare preferences or priorities of use by categories;

(3) Set forth streams closed to future appropriation;

(4) Establish flows on perennial streams of the state in amounts necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values;

(5) Allocate quantities for beneficial uses;

(6) Reserve water for future beneficial use;

(7) Withdraw waters from additional appropriation when sufficient information or data are lacking for the making of sound decisions;

(8) Establish criteria for limit beyond which further appropriation will not be made;

(9) Designate areas within the state to be used for management purposes; and

(10) Be guided by the declaration of fundamentals contained in RCW 90.54.020. [Order DE 75-23, § 173-500-020, filed 1/6/76.]

WAC 173-500-030 Authority. This regulation is promulgated by the department of ecology under the authority of chapter 90.54 WAC. [Order DE 75-23, § 173-500-030, filed 1/6/76.]

WAC 173-500-040 Water resource inventory areas. For the purposes of this chapter, the state is divided into 62 areas known as Water Resource Inventory Areas (WRIAs). The names and numbers of these areas are as follows and are shown on the attached map:

WATER RESOURCES INVENTORY AREAS

WRIA Number, Name

01. Nooksack
02. San Juan
03. Lower Skagit-Samish
04. Upper Skagit
05. Stillaguamish
06. Island
07. Snohomish
08. Cedar-Sammamish
09. Duwamish-Green
10. Puyallup-White
11. Nisqually
12. Chambers-Clover

WRIA Number, Name

13. Deschutes
14. Kennedy-Goldsborough
15. Kitsap
16. Skokomish-Dosewallips
17. Quilcene-Snow
18. Elwah-Dungeness
19. Lyre-Hoko
20. Soleduck-Hoh
21. Queets-Quinault
22. Lower Chehalis
23. Upper Chehalis
24. Willapa
25. Grays-Elokoman
26. Cowlitz
27. Lewis
28. Salmon-Washougal
29. Wind-White Salmon
30. Klickitat
31. Rock-Glade
32. Walla Walla
33. Lower Snake
34. Palouse
35. Middle Snake
36. Esquatzel Coulee
37. Lower Yakima
38. Naches
39. Upper Yakima
40. Alkali-Squilchuck
41. Lower Crab
42. Grand Coulee
43. Upper Crab-Wilson
44. Moses Coulee
45. Wenatchee
46. Entiat
47. Chelan
48. Methow
49. Okanogan
50. Foster
51. Nespelem
52. Sanpoil
53. Lower Lake Roosevelt
54. Lower Spokane
55. Little Spokane
56. Hangman
57. Middle Spokane
58. Middle Lake Roosevelt
59. Colville
60. Kettle
61. Upper Lake Roosevelt
62. Pend Oreille

[Order DE 75-23, § 173-500-040, filed 1/6/76.]

WAC 173-500-050 Definitions. For purposes of this chapter and subsequent regulations formulated for planning and management within individual Water Resource Inventory Areas, the following definitions shall be used:

(1) "ALLOCATION" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "APPROPRIATION" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses.

(3) "BASE FLOW" means a level of streamflow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(4) "BENEFICIAL USES" are uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(5) "CONSUMPTIVE USE" means use of water whereby there is a diminishment of the water source.

(6) "DEPARTMENT" means the Washington State department of ecology.

(7) "HYDROGRAPH" is a graph showing the variations of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross–sectional location on the stream.

(8) "LOW FLOW" means those flow level limitations appearing as provisions on permits and certificates issued by the department, or its predecessors, prior to the effective dates of chapters 173–501 through 173–599 WAC.

(9) "NONCONSUMPTIVE USE" is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) "PERENNIAL STREAM" means a stream the natural flow of which is normally continuous at any given location.

(11) "STREAM MANAGEMENT UNIT" means stream segments, reaches, or tributaries, each containing a control station, that are identified on stream reach maps in adopted water resource management program documents as units for defining base flow levels.

(12) "WATER RIGHT" means a right to make beneficial use of public waters of the state. [Order DE 75–23, § 173–500–050, filed 1/6/76.]

WAC 173–500–060 General provisions. (1) The provisions of this chapter shall apply to chapters 173–501 through 173–599 WAC unless the language of said chapters is clearly to the contrary.

(2) As sufficient data are obtained for each WRIA and/or grouping thereof in the state to enable the department to formulate a water resource planning and management program for such area, the department shall by regulation establish policies for the beneficial use of public waters pursuant to RCW 90.54.040.

(3) Water rights established prior to the effective date of rules adopted under chapter 173–500 WAC and chapters 173–501 through 173–599 WAC shall not be affected by such rules.

(4) LOW FLOW LIMITATIONS TO PREVAIL (1) Notwithstanding the establishment of base flows established hereunder, existing low flow limitations shall remain in effect.

(5) BASE FLOW PROVISIONS FOR WATER RIGHTS.

(a) Surface water and/or ground water appropriation permits, issued subsequent to the effective dates of chapters 173–501 through 173–599 WAC, that will allow either direct diversion from or have a measurable effect on streams where base flow limitations of this chapter, and any such permits or certificates shall be appropriately conditioned to assure maintenance of said base flows.

(b) The base flow provisions for any water right located in a stream management unit shall specifically describe the base flow levels for the control station in that unit and shall refer generally to other downstream base flow requirements that may also become controlling and critical to the use of water under such right.

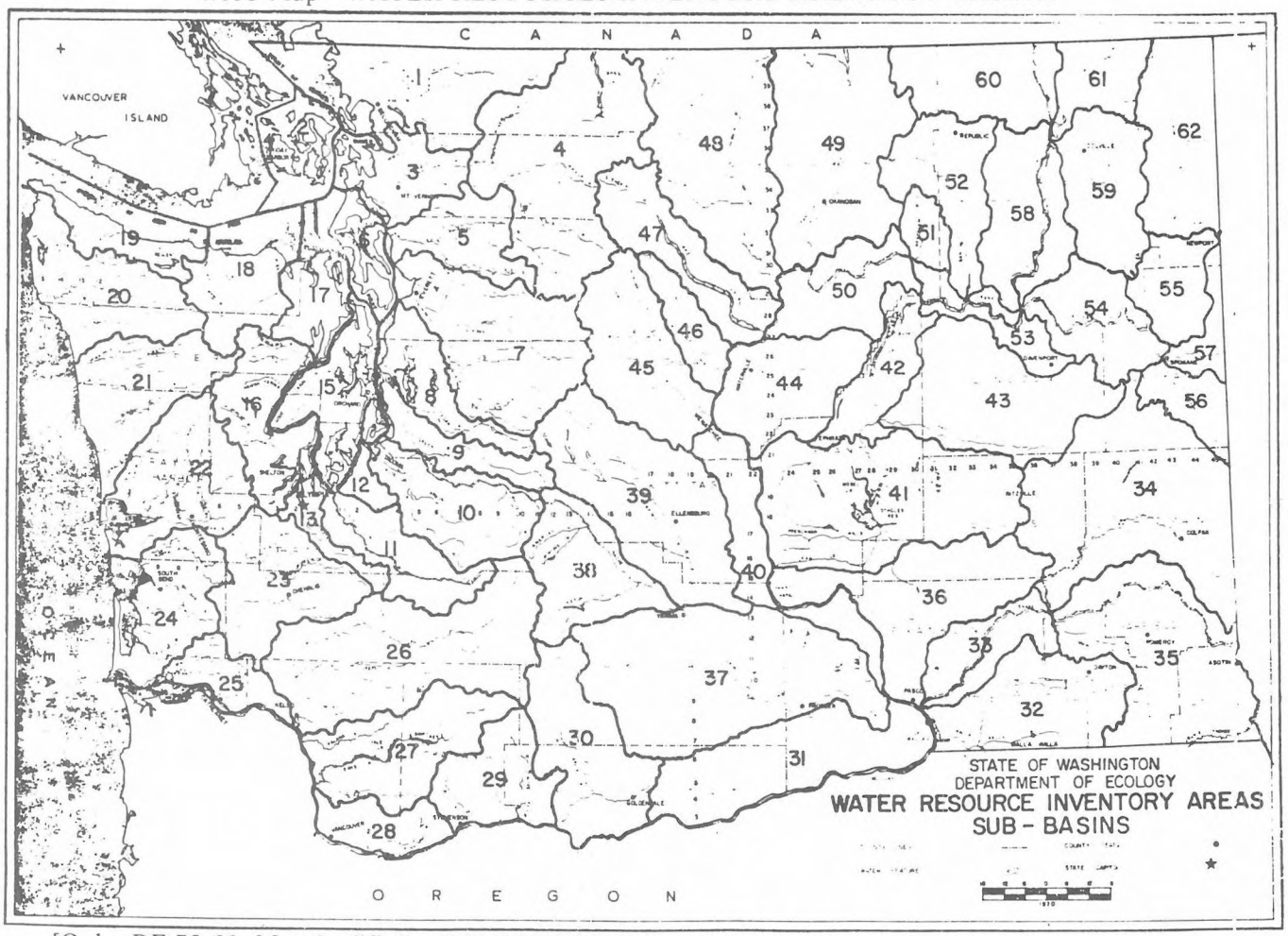
(6) BASE FLOW CHANGES. If it becomes necessary to change a control station location or to add new control stations to improve management capability, the department shall develop streamflow relationships, by accepted engineering procedures, between previously established control station locations and the new location for use in regulating water rights that are subject to base flow limitations.

(7) MINIMUM WATER FLOWS AND LEVELS. The provisions of this chapter shall in no manner be interpreted to preclude utilization of chapter 90.22 RCW.

(8) PRIORITIES OR ALLOCATION BY USE CATEGORIES – LIMITATIONS. Nothing in chapters 173–501 through 173–599 WAC relating to priorities or allocations by use shall be construed to apply to water rights or the historic water use patterns that predate the individual management regulations. [Order DE 75–23, § 173–500–060, filed 1/6/76.]

WAC 173–500–990 Map––Water resources inventory areas sub–basins.

WAC Map WATER RESOURCES INVENTORY AREAS SUB–BASINS.



[Order DE 75–23, Map (codified as WAC 173–500–990), filed 1/6/76.]

Chapter 173–522 WAC
WATER RESOURCES PROGRAM IN THE CHEHALIS RIVER BASIN, WRIA–22 AND 23

WAC

173–522–010 General provision.
173–522–020 Establishment of base flows.
173–522–030 Future allocation of surface water for beneficial uses.
173–522–040 Priority of future rights during times of water shortage.
173–522–050 Streams closed to further consumptive appropriations.
173–522–060 Effect on prior rights.

WAC 173–522–010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Chehalis River Basin, WRIA–22 and 23 (see WAC 173–500–040). Chapter 173–500 WAC, the general rules of the Department of Ecology for the implementation of the comprehensive water resources program, applies to this chapter 173–522 WAC. [Order 75–31, § 173–522–010, filed 3/10/76.]

WAC 173–522–020 Establishment of base flows. (1) Base flows are established for stream management units with monitoring to take place at certain control stations as follows:

STREAM MANAGEMENT UNIT INFORMATION

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.0200.00 Chehalis River Conf. w/Elk Creek	101.8 14–13–5W	From confluence with Elk Creek to head–waters except Elk Cr.
12.0205.00 Elk Creek	2.5 18–13–5W	From confluence with Chehalis River to head–waters.
12.0216.30 So. Fork Chehalis R.	0.3 24–13–4W	From mouth to head–waters.
12.0235.00 Chehalis River	77.6 2–13–3W	From confluence with Newaukum River to con–fluence with Elk Cr., excluding Elk Creek, and Newaukum Rivers.
12.0240.00 S. Fork Newaukum R.	22.8 28–13–1E	From confluence with Lost Creek to head–waters, excluding Lost Creek.

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.0245.00 N. Fork Newaukum River	6.6 35–14–1W	From mouth to headwaters.
12.0250.00 Newaukum River	4.1 9–13–2W	From mouth to confluence with Lost Cr. on S. Fork Newaukum River, excluding N. Fork Newaukum River.
12.0253.00 Salzer Creek	3.8 22–14–2W	From mouth to headwaters.
12.0264.00 Skookumchuck River	6.4 12–15–2W	From mouth to headwaters.
12.0275.00 Chehalis River at Grand Mound	59.9 22–15–3W	From confluence with Newaukum River to confluence with Prairie Creek.
12.0292.00 Black River	4.1 33–16–4W	From mouth to headwaters.
12.0305.00 Cedar Creek	1.1 14–16–5W	From mouth to headwaters.
12.0309.00 Porter Creek	1.3 22–17–5W	From mouth to headwaters.
12.0310.00 Chehalis River at Porter	33.3 28–17–5W	From confluence with Prairie Creek near Grand Mound to confluence with Porter Creek including Prairie Creek.
12.0325.00 Cloquallum Creek	1.9 36–18–6W	From mouth to headwaters.
12.0342.00 East Fk. Satsop R.	15.9 15–19–6W	From confluence with Dry Run Cr. to headwaters excluding Dry Run Cr.
12.0343.00 Decker Creek	0.3 31–19–6W	From mouth to headwaters.
12.0345.00 Middle Fk. Satsop R.	0.4 36–19–7W	From mouth to headwaters.
12.0350.00 Satsop River	2.3 36–18–7W	From mouth to confl. with Dry Run Cr. on East Fk. Satsop R.
12.0350.02 Chehalis R. below confl. w/Satsop R.	20.0 7–17–6W	From confluence with Porter Ck. to just below confl. with Satsop River.
12.0374.00 Wynoochee River	5.9 27–18–8W	From mouth to headwaters.
12.0380.00 Wishkah River	16.2 22–19–9W	From influence of mean annual high tide at low base flow levels to headwaters. Excluding E. Fk. Wishkah River.
12.0382.90 E. Fk., Wishkah R.	0.9 36–19–9W	From mouth to headwaters.
12.0385.00 W. Fk. Hoquiam River	9.4 14–18–10W	From mouth to headwaters.
12.0385.80 Middle Fk. Hoquiam R.	1.6 4–18–10W	From mouth to headwaters.
12.0386.60 East Fork Hoquiam	7.1 8–18–9W	From mouth to headwaters.
12.0390.00 Humptulips River	24.8 17–20–10W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0174.00 Elk River	3.0 3–16–11W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0175.00 Johns River	6.0 21–16–10W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0180.00 Newskah Creek	3.5 32–17–9W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0185.00 Charley Creek	2.0 21–17–9W	From influence of mean annual high tide at low base flow levels to headwaters.

(2) Base flows established for the stream management units in WAC 173–522–020(1) are as follows:

BASE FLOWS IN THE CHEHALIS RIVER BASIN
(In Cubic Feet per Second)

Month	Day	12.0200.00 Chehalis R. nr. Elk Cr.	12.0205.00 Elk Cr.	12.0216.30 So. Fk. Chehalis R.	12.0235.00 Chehalis R.
Jan.	1	260	100	200	700
	15	260	100	200	700
Feb.	1	260	100	200	700
	15	260	100	200	700
Mar.	1	260	100	200	700
	15	260	100	200	700
Apr.	1	260	100	200	700
	15	260	100	200	700
May	1	195	76	145	525
	15	146	57	105	400
June	1	108	43	75	300
	15	82	32	55	230
July	1	62	25	40	175
	15	46	19	29	130
Aug.	1	37	16	21	98
	15	31	14	15	75
Sep.	1	31	14	15	75
	15	31	14	15	75
Oct.	1	39	15	21	92
	15	49	17	28	115
Nov.	1	88	31	56	215
	15	150	56	105	390
Dec.	1	260	100	200	700
	15	260	100	200	700

Month	Day	12.0240.00 Newaukum R. S. Fork	12.0245.00 Newaukum R. N. Fork	12.0250.00 Newaukum R.	12.0253.00 Salzer Cr.
Jan.	1	125	62	250	11
	15	125	62	250	11
Feb.	1	125	62	250	11
	15	125	62	250	11
Mar.	1	125	62	250	11
	15	125	62	250	11
Apr.	1	125	62	250	11
	15	125	62	250	11
May	1	110	47	210	5.8
	15	88	36	160	2.8
June	1	70	27	118	1.4
	15	56	21	90	.73
July	1	45	16	68	.38
	15	36	12	52	.20
Aug.	1	29	9	38	.10
	15	27	7	35	.05
Sep.	1	27	7	35	.05
	15	27	7	35	.05
Oct.	1	33	8.4	43	.14
	15	40	10	54	.40
Nov.	1	58	19	91	1.35
	15	85	34	150	3.9
Dec.	1	125	62	250	11
	15	125	62	250	11

Month	Day	12.0264.00 Skookumchuck River	12.0275.00 Chehalis R. at Grand M.	12.0292.00 Black R.	12.0305.00 Cedar Cr.
Jan.	1	160	1300	200	90
	15	160	1300	200	90
Feb.	1	160	1300	200	90
	15	160	1300	200	90
Mar.	1	160	1300	200	90
	15	160	1300	200	90
Apr.	1	160	1300	200	90
	15	160	1300	200	90
May	1	160	1000	170	70
	15	130	780	145	54
June	1	103	600	120	40
	15	83	460	104	31
July	1	67	355	88	24
	15	54	275	75	19
Aug.	1	43	210	70	14
	15	35	165	66	11
Sep.	1	35	165	66	11
	15	35	165	66	11
Oct.	1	35	200	68	13.8
	15	35	250	70	17
Nov.	1	59	440	100	30
	15	96	760	140	52
Dec.	1	160	1300	200	90
	15	160	1300	200	90

Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0342.00 Satsop R. E. Fork
Jan.	1	90	2500	150	280
	15	90	2500	150	280
Feb.	1	90	2500	150	280
	15	90	2500	150	280
Mar.	1	90	2500	150	280
	15	90	2500	150	280
Apr.	1	90	2500	150	280
	15	90	2500	150	280
May	1	56	1900	118	240
	15	35	1420	92	210
June	1	29	1060	70	175
	15	24	800	55	152

Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0342.00 Satsop R. E. Fork
July	1	21	610	43	130
	15	17	460	34	112
Aug.	1	14.2	340	29	104
	15	12	260	24	95
Sep.	1	12	260	24	86
	15	12	260	24	80
Oct.	1	13.3	320	27	80
	15	15	400	30	80
Nov.	1	28	760	52	125
	15	50	1380	88	185
Dec.	1	90	2500	150	280
	15	90	2500	150	280

Month	Day	12.0343.00 Decker Cr.	12.0345.00 Satsop R. M. Fork	12.0350.00 Satsop R. nr.	12.0350.02 Chehalis R. Satsop
Jan.	1	130	260	1100	3800
	15	130	260	1100	3800
Feb.	1	130	260	1100	3800
	15	130	260	1100	3800
Mar.	1	130	260	1100	3800
	15	130	260	1100	3800
Apr.	1	130	260	1100	3800
	15	130	260	1100	3800
May	1	115	203	910	2910
	15	103	160	750	2300
June	1	91	125	600	1750
	15	81	98	500	1360
July	1	72	78	425	1085
	15	64	61	360	860
Aug.	1	56	48	300	680
	15	50	38	260	550
Sep.	1	50	38	260	550
	15	50	38	260	550
Oct.	1	54	41	280	640
	15	58	45	300	750
Nov.	1	77	83	475	1305
	15	100	145	720	2220
Dec.	1	130	260	1100	3800
	15	130	260	1100	3800

Month	Day	12-0374.00 Wynoochee River	12-0380.00 Wishkah R.	12-0382.90 Wishkah R. E. Fk.	12-0385.00 Hoquiam R. W. Fk.
Jan.	1	560	135	33	32
	15	560	135	33	32
Feb.	1	560	135	33	32
	15	560	135	33	32
Mar.	1	560	135	33	32
	15	560	135	33	32
Apr.	1	560	135	33	32
	15	560	135	33	32
May	1	560	135	33	32
	15	560	113	27	26
June	1	450	95	21	20
	15	360	80	17	16
July	1	290	68	14	12.8
	15	230	57	11.3	10
Aug.	1	185	47	9	8
	15	150	47	9	8
Sep.	1	150	47	9	8
	15	150	47	9	8
Oct.	1	150	53	10.4	9.4
	15	230	60	12	11
Nov.	1	360	91	20	19
	15	560	135	33	32
Dec.	1	560	135	33	32
	15	560	135	33	32

Month	Day	12–0385.80 Hoquiam R. M. Fk.	12–0386.60 Hoquiam R. E. Fk.	12–0390.00 Humptulips River	12–0174.00 Elk River
Jan.	1	27	44	600	50
	15	27	44	600	50
Feb.	1	27	44	600	50
	15	27	44	600	50
Mar.	1	27	44	600	50
	15	27	44	600	50
Apr.	1	27	44	600	50
	15	27	44	600	50
May	1	27	44	600	43
	15	21	38	500	37
June	1	16	33	400	31
	15	12.2	29	325	26
July	1	9.5	25	265	22
	15	7.4	22	215	19
Aug.	1	5.6	19	170	16
	15	5.6	19	170	16
Sep.	1	5.6	19	170	16
	15	5.6	19	170	16
Oct.	1	6.7	19	205	20
	15	8.0	25	250	25
Nov.	1	15	34	390	32
	15	27	44	600	40
Dec.	1	27	44	600	50
	15	27	44	600	50

Month	Day	12–0175.00 Johns River	12–0180.00 Newskah Creek	12–0185.00 Charley Creek
Jan.	1	70	17	14
	15	70	17	14
Feb.	1	70	17	14
	15	70	17	14
Mar.	1	70	17	14
	15	70	17	14
Apr.	1	70	17	14
	15	50	17	14
May	1	50	13.4	11
	15	42	10.7	8.6
June	1	35	8.3	6.7
	15	29	6.5	5.4
July	1	24	5.2	4.2
	15	21	4.1	3.3
Aug.	1	17	3.2	2.5
	15	17	2.5	2
Sep.	1	17	2.5	2
	15	17	2.5	2
Oct.	1	17	3.2	2.6
	15	24	4	3.5
Nov.	1	35	8.4	7.1
	15	49	17	14
Dec.	1	70	17	14
	15	70	17	14

(3) Base flow hydrographs, Appendix 1, pages 19–23 in the document entitled "Water Resources Management Program in the Chehalis River Basin" dated November, 1975 shall be used for definition of base flows on those days not specifically identified in WAC 173–522–020(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in WAC 173–522–020(1) through WAC 173–522–020(3).

(5) At such time as the Departments of Fisheries and/or Game provide specific information substantiating the need for flows higher than the flows set forth in WAC 173–522–020(2), the Department of Ecology agrees to proceed with setting minimum flows as provided under chapter 90.22 RCW within one year from the time of said request, unless agreement to another time frame is reached between parties. [Order 75–31, § 173–522–020, filed 3/10/76.]

WAC 173–522–030 Future allocation of surface water for beneficial uses. The department has determined that there are public waters available, subject to base flow, for allocation to beneficial uses from all streams within the Chehalis Basin; except for those streams and times declared closed in WAC 173–522–050. The department shall maintain a current tabulation of the amount of water that is available for appropriation at each stream management unit specified under WAC 173–522–020(1). [Order 75–31, § 173–522–030, filed 3/10/76.]

WAC 173–522–040 Priority of future rights during times of water shortage. (1) Rights established in the future pertaining to waters available for allocation in WAC 173–522–030 shall be subject to a priority of use. Rights for domestic use, including irrigation of lawn and noncommercial garden not to exceed one–half acre, and livestock use excluding feedlot operation, shall be superior to all other consumptive and nonconsumptive uses.

(2) As between rights established in the future within a priority of use, the date of priority shall control with an earlier–dated right being superior to those rights with later dates.

(3) Additional water use priorities may be promulgated, when required, in the future. [Order 75–31, § 173–522–040, filed 3/10/76.]

WAC 173–522–050 Streams closed to further consumptive appropriations. The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation. An exception is made for domestic and normal stockwatering where there is no alternative source of water supply.

Surface Water Closures

STREAM	DATE OF CLOSURE	PERIOD OF CLOSURE
Beaver Creek, Tributary to S. Fk., Newaukum River	12–5–52	1 May–31 Oct.
Beaver Creek, Tributary to Black River	10–28–52	" "
Bunker Creek	1–17–50	" "
Dempsey Creek	11–15–74	" "
Dillenbaugh Creek	8–21–72	" "
Hanaford Creek	5–7–52	" "
Hope Creek & Garrard Creek	8–28–73	" "
Kearney Creek	10–27–52	" "
Lincoln Creek	11–5–48	" "
Middle Fork, Newaukum R.	4–7–50	" "
Mill Creek	3–21–52	" "
Mox Chehalis	4–25–57	" "
Salmon Creek	12–18–56	" "
Rock Creek	4–11–73	" "
Scatter Creek	7–20–50	" "
Stearns Creek	4–28–53	" "
Wildcat Creek	10–28–52	" "

STREAM	DATE OF CLOSURE	PERIOD OF CLOSURE
Williams Creek	5-6-52	" "
Wynoochee River	3-9-62	" "
Black River	Date of Adoption	1 July-30 Sept.
Skookumchuck River	" "	" "
S. Fk. Chehalis River	" "	" "
Salzer Creek	" "	1 June-30 Sept.

NOTE: Affected reach is from mouth to headwaters and includes all tributaries in the contributing drainage area unless specifically excluded.

[Order 75-31, § 173-522-050, filed 3/10/76.]

WAC 173-522-060 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge, or modify the existing rights acquired by appropriation or otherwise. [Order 75-31, § 173-522-060, filed 3/10/76.]

Chapter 173-530 WAC
WATER RESOURCES PROGRAM IN THE KLICKITAT RIVER BASIN, WRIA-30

WAC

173-530-910 Authority.
173-530-920 Purpose.
173-530-930 Definitions.
173-530-940 Declaration of withdrawal.
173-530-950 Existing rights not affected.
173-530-960 Exemptions.

WAC 173-530-910 Authority. This chapter is adopted pursuant to the water resources act of 1971, under the specific authority set forth in RCW 90.54.050(2). [Order DE 76-7, § 173-530-910, filed 4/14/76.]

WAC 173-530-920 Purpose. The department of ecology has the responsibility for management of the Little Klickitat River Basin water resources in a manner which is consistent with the intent of the water resources act of 1971, with particular reference to the general declaration of fundamentals of RCW 90.54.020.

This regulation has resulted from recent conflicts of interest between various parties over the use of the remaining waters of the Little Klickitat River and its tributaries. Sufficient information and data are lacking at this time to make sound decisions concerning the proper utilization of the unappropriated waters of this stream system. Therefore, the department, by regulation, is temporarily withdrawing the public waters of the Little Klickitat River Basin from further appropriation in order that such information and data may be developed. [Order DE 76-7, § 173-530-920, filed 4/14/76.]

WAC 173-530-930 Definitions. As used in this chapter:

(1) "Beneficial use" means the use of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production purposes, preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state (RCW 90.54.020).

(2) "Department" means the State of Washington department of ecology.

(3) "Domestic supply" means the noncommercial use of water for (a) normal needs within a residence, for example cooking, drinking, washing, bathing and other sanitary purposes, and (b) normal needs for maintenance of exterior amenities and grounds of not more than one-half (1/2) acre in size, associated with a residence, for example lawn and garden watering or automobile and boat washing.

(4) "Nonconsumptive" is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(5) "Water right" means a right to make beneficial use of public waters of the state.

(6) "Withdrawal" means administratively withholding public waters from additional appropriation for beneficial use (See chapters 90.03 and 90.44 RCW). [Order DE 76-7, § 173-530-930, filed 4/14/76.]

WAC 173-530-940 Declaration of withdrawal. The department declares that, after the effective date hereof, the public waters of the Little Klickitat River Basin are withdrawn from further appropriation until November 1, 1978 or until a state water resources management program has been adopted for the Little Klickitat River Basin as provided in chapter 173-500 WAC, whichever occurs first. After the effective date of the regulation for the withdrawal, the department will continue to accept applications for water rights in the basin, as provided in RCW 90.03.250 and 90.44.060; however, no actions of approval or disapproval of these applications shall be made by the department during the time the withdrawal is in effect except as provided for in WAC 173-530-960. [Order DE 76-7, § 173-530-940, filed 4/14/76.]

WAC 173-530-950 Existing rights not affected. (1) The withdrawal declared in WAC 173-530-940 shall neither affect any existing water rights, riparian, appropriative or otherwise; nor existing rights relating to hydroelectric or water storage reservoir or related facility; nor exploratory work, construction or operation of a thermal power plant by an electric utility in accordance with chapter 80.50 RCW.

(2) The watering of ranging stock on riparian grazing lands within the said watershed shall not be deemed in conflict with WAC 173-530-940. [Order DE 76-7, § 173-530-950, filed 4/14/76.]

WAC 173-530-960 Exemptions. (1) Applications for permits to appropriate public waters for domestic supply and/or stock-watering purposes, excluding feed lot operations, within the Little Klickitat River Basin filed prior to or after the effective date of this chapter may be processed to permit and certificate status if such

proposed uses do not appear to be in conflict with existing rights nor the meaning and general intent of this regulation.

(2) In multiple–purpose applications, filed prior to or after the effective date of this chapter, which include domestic supply and/or stock–watering purposes excluding feed lot operations, the applicant may request a determination of approval or disapproval of the domestic supply and stock–water portion of his application only; thereafter a permit and certificate for such domestic supply and/or stock–watering uses may be issued by the department in these cases under the same conditions as cited in (1) above.

(3) The department may issue permits and certificates under applications for nonconsumptive uses if such issuance is compatible with the meaning and intent of this regulation.

(4) Applications to appropriate public ground waters may be approved and permits and certificates issued, if departmental investigation indicates that ground waters from the source aquifers do not contribute significantly to the surface water drainages of the Little Klickitat River Basin. [Order DE 76–7, § 173–530–960, filed 4/14/76.]

Chapter 173–532 WAC

WATER RESOURCES PROGRAM FOR THE WALLA WALLA RIVER BASIN, WRIA–32

WAC

173–532–010 Purpose.
173–532–020 Definitions.
173–532–030 Base flows.
173–532–040 Streams closed to further consumptive appropriations.
173–532–050 Protection of surface water rights from new appropriators of ground water.
173–532–060 Designation of ground water areas for specific uses.
173–532–070 Closure of ground water aquifer to further appropriation.
173–532–080 Evaluation of ground water applications.

WAC 173–532–010 Purpose. This regulation is adopted in accordance with the water resources management regulation, chapter 173–500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter, including any amendments, applies to all waters that lie within or contribute to the Walla Walla River drainage basin. This chapter sets forth the department's policies to manage the basin's water resources. [Order DE 77–30, § 173–532–010, filed 12/14/77.]

WAC 173–532–020 Definitions. For purposes of this chapter, the following definitions shall be used.

(1) "Allocation" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "Base flow" means a level of stream flow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(3) "Consumptive use" means use of water whereby there is discernible diminishment of the water source.

(4) "Department" means the Washington state department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Domestic use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one–half acre of lawn and garden per dwelling, and other incidental household uses.

(7) "In–house domestic use" means use of water for drinking, cleaning, sanitation, and other uses in a residence, excluding irrigation of lawn and garden.

(8) "Municipal water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished for commercial and/or industrial uses, and public water supplies with 10 or more connections.

(9) "Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no discernible diminishment of the source.

(10) "Perennial stream" means a stream with a natural flow which is normally continuous at any given location.

(11) "Public water supply" means any water supply intended or used for human consumption and community uses.

(12) "Water right" means a right to make beneficial use of public waters of the state.

(13) "Zone of direct hydraulic continuity" means that zone of inter action between the surface water stream and the adjacent ground water whereby a pumping well can effectively reduce the flow in the stream to the detriment of surface water users, as determined by the department. [Order DE 77–30, § 173–532–020, filed 12/14/77.]

WAC 173–532–030 Base flows. The establishment of base flows for surface streams will be deferred until such time as storage project or projects become a reality. At present, all surface streams are totally appropriated during the irrigation season and water is not available for protection of instream values. With the advent of future storage projects, the department may establish base flows which can be included as project benefits and maintained by storage releases. [Order DE 77–30, § 173–532–030, filed 12/14/77.]

WAC 173–532–040 Streams closed to further consumptive appropriations. The department has determined that no waters are available for consumptive appropriation through the establishment of water rights for the following streams for the periods indicated:

TABLE II–1
SURFACE WATER CLOSURES*

STREAM NAME	AFFECTED REACH	EFFECTIVE DATE OF CLOSURE	PERIOD OF CLOSURE
Blue Creek	Mouth to Headwaters	Date of Adoption	June 1 – Oct. 31
Mill Creek	Mouth to State Line	2–6–1957	May 1 – Oct. 1
Walla Walla River	Mouth to State Line	Date of Adoption	May 1 – Nov. 30
Dry Creek	Mouth to Headwaters	Date of Adoption	April 15 – Nov. 15 or whenever Walla Walla at USGS Gage 14.0185 drops below 91.0 cfs.
Touchet River	Mouth to Headwaters	Date of Adoption	June 1 – Oct. 31
Coppei Creek	Mouth to Headwaters	Date of Adoption	April 1 – Nov. 10
Doan Creek	Mouth to Headwaters	Date of Adoption	June 1 – Oct. 1
Mud Creek	Mouth to Headwaters	Date of Adoption	May 1 – Oct. 31 or whenever Walla Walla below confluence with Mud Creek falls below 50 cfs.
Pine Creek	Mouth to Headwaters	Date of Adoption	May 1 – Oct. 31 or whenever Walla Walla River at confluence with Pine Creek or below Touchet River drops below 50 cfs.
Stone Creek	Mouth to Headwaters	Date of Adoption	May 1 – Oct. 31

*Exception for single–domestic and stock water where no other practical source is available.

[Order DE 77–30, § 173–532–040, filed 12/14/77.]

WAC 173–532–050 Protection of surface water rights from new appropriators of ground water. New appropriators of ground water will be required to locate wells outside of the zone of direct hydraulic continuity between the surface water stream and the ground water aquifer. The actual limits of the zone of direct hydraulic continuity at a specific location will be determined by the department after an individual ground water application is received. The department will use accepted engineering methods for its determination. [Order DE 77–30, § 173–532–050, filed 12/14/77.]

WAC 173–532–060 Designation of ground water areas for specific uses. A portion of the ground water resource in the Walla Walla–College Place vicinity is designated for the anticipated growth of the community. Within the following area, ground water in the basalt aquifer is limited to appropriation for municipal water supply systems only, and ground water in the shallow gravel aquifer is limited to uses other than municipal water supply systems:

All the area contained within the following listed sections: Sections 35 and 36, T8N, R35E; sections 1, 2, 11, 12, 13, 14, 15, 23, 24, 25, 26, 27, 28, 34, 35, and 36, T7N, R35E; sections 1, 2, 3, 10, 11, 12, and all of 13, 14, and 15 lying within Washington state, T6N, R35E; sections 31, 32, 33, 34, 35, and 36, T8N, R36E; all the area within T7N, R36E; all the area within T6N, R36E lying within the state of Washington; section 31, T8N, R37E; sections 6, 7, 18, 19, 30, and 31, T7N, R37E; and sections 6, 7, and all of section 18 lying within Washington state, T6N, R37E.

The provisional designation of water in the basalt aquifer for municipal water supply systems shall be effective for a period of five years beginning on February 1, 1978. After the effective five–year period all designated waters not appropriated or reserved under chapter 173–590 WAC Reservation of Water for Future Public Water Supply, shall be open for appropriations by other users as determined by the department.

The designation of water in the gravel aquifer for users other than municipal water supply systems shall remain indefinitely until changed by the department. [Order DE 77–30, § 173–532–060, filed 12/14/77.]

WAC 173–532–070 Closure of ground water aquifer to further appropriation. When the department determines that annual ground water withdrawals from the basalt aquifer have reached 125,000 acre–feet, which is approximately 95 percent of the average annual recharge to that aquifer, the aquifer will be closed to further appropriation. [Order DE 77–30, § 173–532–070, filed 12/14/77.]

WAC 173–532–080 Evaluation of ground water applications. Each new application for ground water appropriation will be evaluated to minimize interference with existing wells and with adjacent surface water streams. The department will issue permits for ground water withdrawal in those cases where senior surface water and ground water rights will not be adversely affected as determined by the department. [Order DE 77–30, § 173–532–080, filed 12/14/77.]

Chapter 173–548 WAC
WATER RESOURCES PROGRAM IN THE METHOW RIVER BASIN, WRIA–48

WAC

173–548–010 General provision.
173–548–020 Establishment of base flows.
173–548–030 Future allocations——Reservation of surface water for beneficial uses.
173–548–040 Priority of future water rights during times of water shortage.
173–548–050 Streams and lakes closed to further consumptive appropriations.
173–548–060 Ground water.
173–548–070 Effect on prior rights.

WAC 173–548–010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Methow River Basin, WRIA 48 (see WAC 173–500–040). Chapter 173–500 WAC, the general rules of the Department of Ecology for the implementation of the comprehensive water resources program, applies to this chapter 173–548 WAC. [Order DE 76–37, § 173–548–010, filed 12/28/76.]

WAC 173–548–020 Establishment of base flows. (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

Stream Management Unit Name, Control Station Name and Number	Control Station Location by River Mile, Section, Township, Range	Affected Stream Reach (includes tributaries)
Lower Methow		
Methow R. nr. Pateros (12.4499.50)	6.7 20–30–23E	Methow River confluence with Wells Pool to confluence with Twisp River.
Middle Methow		
Methow R. nr. Twisp (12.4495.00)	40.0 17–33–22E	Methow River from confluence with Twisp River to confluence with Chewack River.
Upper Methow		
Methow R. nr. Winthrop (12.4473.89)	50.2 2–34–21E	Methow River from confluence with Chewack River to confluence with Little Boulder Creek and including Little Boulder Creek.
Methow Headwaters		
Methow R. at Little Boulder Cr. (12.4473.83)	65.3 25–36–19E	Methow River from confluence with Little Boulder Creek to headwaters.
Early Winters Creek		
Early Winters Cr. near Mazama	27–36–19E	Early Winters Creek from confluence with Methow River to headwaters.
Chewack River		
Chewack R. nr. Boulder Creek (12.4475.00)	8.7 35–36–21E	Chewack River confluence with Methow River to headwaters.
Twisp River		
Twisp R. nr. Twisp (12.4489.98)	0.3 7–33–22E	Twisp River from confluence with Methow River to headwaters.

(2) Base flows established for the stream management units in WAC 173–548–020(1) are as follows:

Base Flows in the Methow River
(All Figures in Cubic Feet Per Second)

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specification for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables with Part 1 covering the Lower Methow, Middle Methow & Upper Methow and with Part 2 covering the Methow Headwaters, Early Winters Creek, Chewack River & Twisp River.]

PART 1

Month	Day	Lower Methow (12.4499.50)	Middle Methow (12.4495.00)	Upper Methow (12.4473.89)
Jan.	1	350	260	120
	15	350	260	120
Feb	1	350	260	120
	15	350	260	120
Mar.	1	350	260	120
	15	350	260	120
Apr.	1	590	430	199
	15	860	650	300
May	1	1,300	1,000	480
	15	1,940	1,500	690
Jun.	1	2,220	1,500	790
	15	2,220	1,500	790
Jul.	1	2,150	1,500	694
	15	800	500	240
Aug.	1	480	325	153
	15	300	220	100
Sep.	1	300	220	100
	15	300	220	100
Oct.	1	360	260	122
	15	425	320	150
Nov.	1	425	320	150
	15	425	320	150
Dec.	1	390	290	135
	15	350	260	120

PART 2

Month	Day	Methow Headwaters (12.4473.83)	Early Winters Creek	Chewack River (12.4475.00)	Twisp River (12.4489.98)
Jan.	1	42	10	56	34
	15	42	10	56	34
Feb.	1	42	10	56	34
	15	42	10	56	34
Mar.	1	42	10	56	34
	15	42	10	56	34
Apr.	1	64	14	90	60
	15	90	23	140	100
May	1	130	32	215	170
	15	430	108	290	300
Jun.	1	1,160	290	320	440
	15	1,160	290	320	440
Jul.	1	500	125	292	390
	15	180	45	110	130
Aug.	1	75	20	70	58
	15	32	8	47	27
Sep.	1	32	8	47	27
	15	32	8	47	27

PART 2

Month	Day	Methow Headwaters (12.4473.83)	Early Winters Creek	Chewack River (12.4475.00)	Twisp River (12.4489.98)
Oct.	1	45	11	56	35
	15	60	15	68	45
Nov.	1	60	15	68	45
	15	60	15	68	45
Dec.	1	51	12	62	39
	15	42	10	56	34

(3) Base flow hydrographs, as represented in Figure 1 in the document entitled "Water Resources Management Program, Methow River Basin" dated 1976, shall be used for definition of base flows on those days not specifically identified in WAC 173-548-020(2) and WAC 173-548-030.

(4) All rights hereafter established shall be subject to the base flows established in WAC 173-548-020(1) through (3), except as provided under WAC 173-548-030 herein.

(5) Future appropriations of water which would conflict with base flows shall be authorized, by the director, only in those situations when it is clear that overriding considerations of the public interest will be served. [Order DE 76-37, § 173-548-020, filed 12/28/76.]

WAC 173-548-030 Future allocations——Reservation of surface water for beneficial uses. (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

Month	Lower Methow	Middle Methow	Upper Methow	Methow Head-waters	Early Winters Creek	Chewack River	Twisp River
Oct.	95	50	44	15	29	09	14
Nov.	116	101	46	06	21	10	15
Dec.	112	99	44	17	26	10	15
Jan.	50	36	26	08	19	03	09
Feb.	51	37	29	09	19	04	10
Mar.	147	139	80	38	19	24	18
Apr.	565	590	273	336	35	118	148
May	2,922	2,927	784	412	403	809	703
Jun.	3,116	2,853	1,017	1,249	294	1,292	890
Jul.	965	877	583	608	189	308	298
Aug.	214	192	203	109	94	70	70
Sep.	62	55	76	33	47	23	26

All figures in cubic feet per second.

(b) The control station for each reach is defined in WAC 173-548-020.

(c) The appropriation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis for all management reaches except Early Winters Creek. The appropriation limit for Early Winters Creek is set forth to be an amount equal to the estimated natural mean monthly streamflow for that stream.

(2) The amounts of water referred to in WAC 173-548-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

Use Description	Apr.	May	Jun.	Jul.	Aug.	Sep.
Lower Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	860	1,940	2,220	800	300	300
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Middle Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	650	1,500	1,500	500	220	220
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Upper Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	300	690	790	240	100	100
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Methow Headwaters						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	90	430	1,160	180	32	32
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Early Winters Creek						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	23	108	290	45	8.0	11.0
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Chewack River						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	140	290	320	110	47	47
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Twisp River						
Single Domestic and and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	100	300	440	130	27	27
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					

All figures in cubic feet per second

(b) Allocation of surface waters by use category (October through March):

Use Description	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
Lower Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	425	425	350	350	350	350
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Middle Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	320	320	260	260	260	260
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Upper Methow						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	150	150	120	120	120	120
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Methow Headwaters						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	60	60	42	42	42	42
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Early Winters Creek						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	15	15	10	10	10	10
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Chewack River						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	68	68	56	56	56	56
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					
Twisp River						
Single Domestic and Stock Use	2.0	2.0	2.0	2.0	2.0	2.0
Base Flow	45	45	34	34	34	34
Public Water Supply, Irrigation, and Other Uses	Remaining waters up to the appropriation limit set forth in WAC 173-548-030(1)(c)					

All figures in cubic feet per second.

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(d) As the amount of water allocated for each category of use approaches the amount available for future allocation set forth in WAC 173-548-030(1), the department shall review the program to determine whether there is a need for program revision. [Order DE 76-37, § 173-548-030, filed 12/28/76.]

WAC 173-548-040 Priority of future water rights during times of water shortage. (1) As between rights established in the future pertaining to waters allocated in WAC 173-548-030(2)(a) and (b), all rights subject to this program shall be regulated in descending order of use category priority regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-548-030, the date of priority shall control with an earlier dated right being superior to those rights with later dates. [Order DE 76-37, § 173-548-040, filed 12/28/76.]

WAC 173-548-050 Streams and lakes closed to further consumptive appropriations. The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams and lakes to further consumptive appropriation for the periods indicated, with exceptions as noted:

(a) STREAM CLOSURES

Stream Name (Includes Tributaries)	Affected Reach	Period Closure
Wolf Creek	Mouth to Headwaters	Closed all year**
Bear Creek (Davis Lake)	"	Closed all year
Thompson Creek	"	Closed all year**
Beaver Creek	"	Closed May 1 to Oct. 1**
Alder Creek	"	Closed all year
Benson Creek	"	Closed all year**
Texas Creek	"	Closed all year
Libby Creek	"	Closed May 1 to Oct. 1**
Cow Creek	"	Closed May 1 to Oct. 1
Gold Creek	"	Closed May 1 to Oct. 1*/**
McFarland Creek	"	Closed May 1 to Oct. 1
Squaw Creek	"	Closed May 1 to Oct. 1
Black Canyon Creek	"	Closed May 1 to Oct. 1
French Creek		Closed May 1 to Oct. 1*/**

*Exception for single domestic and stock water.

**Exception for water developed solely from added storage capacity within the basin.

(b) LAKE CLOSURES

All lakes not listed below are restricted to rights to divert water for single domestic and stock watering purposes only, as appropriate:

Name	Location
Alta Lake	3 mi. SW of Pateros
Black Lake	25 mi. N of Winthrop

Name	Location
Black Pine Lake	9 mi. SW of Twisp
Crater Lake	10 mi. W of Carlton
Davis Lake	Bear Creek Drainage
Eagle Lake	11 mi. SW of Carlton
French Creek	Sec.28, T.31N., R.23E.
Libby Lake	10 mi. W of Carlton
Louise Lake	20 mi. W of Winthrop
Middle Oval Lake	16 mi. W of Carlton
North Lake	20 mi. W of Winthrop
Patterson Lake	Sec.8, T.34N., R.21E.
Pearrygin Lake	Sec.36, T.35N., R.21E.
Slate Lake	14 mi. W of Winthrop
Sunrise Lake	16 mi. W of Methow
Upper Eagle Lake	12 mi. W of Carlton
West Oval Lake	16 mi. W of Carlton

The development of future impoundments creating new lakes is provided for under WAC 173-548-050(a). [Order DE 76-37, § 173-548-050, filed 12/28/76.]

WAC 173-548-060 Ground water. If it is determined that a future development of ground water measurably affects surface waters subject to the provisions of chapter 173-548 WAC, then rights to said ground water shall be subject to the same conditions as affected surface waters. [Order DE 76-37, § 173-548-060, filed 12/28/76.]

WAC 173-548-070 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or otherwise, and legally vested prior to the effective date of this chapter. [Order DE 76-37, § 173-548-070, filed 12/28/76.]

Chapter 173-549 WAC
WATER RESOURCES PROGRAM IN THE OKANOGAN RIVER BASIN, WRIA-49

WAC

173-549-010 General provision.
173-549-020 Establishment of base flows.
173-549-030 Future allocations——Reservation of surface water for beneficial uses.
173-549-040 Priority of future water rights during times of water shortage.
173-549-050 Streams and lakes closed to further consumptive appropriations.
173-549-060 Ground water.
173-549-070 Effect on prior rights.

WAC 173-549-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Okanogan River Basin, WRIA 49 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the Department of Ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-549 WAC. [Order DE 76-25, § 173-549-010, filed 7/14/76.]

WAC 173-549-020 Establishment of base flows. (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

Stream Management Unit Name, Control Station Name and Number	Control Station Location by River Mile, Section, Township, Range	Affected Stream Reach
Lower Okanogan		
Okanogan R. at Malott (12447200)	17.0, 9-32-25E	Okanogan River confluence with Wells Poole to confluence of Chewiliken Cr.
Middle Okanogan		
Okanogan R. nr. Tonasket (12445000)	50.8, 8-36-27E	Okanogan River confluence of Chewiliken Creek to confluence Similkameen River
Upper Okanogan		
Okanogan R. Oroville (12439500)	77.3, 27-40-27E	Okanogan River confluence of Similkameen River to Osoyoos Lake
Similkameen		
Similkameen R. at Nighthawk (12442500)	15.8, 7-40-26E	Similkameen River mouth to Canadian Border

(2) Base flows established for the stream management units in WAC 173-549-020(1) are as follows:

Base Flows in the Okanogan River
(All Figures in Cubic Feet Per Second)

Month	Day	Lower Okanogan 12447200	Middle Okanogan 12445000	Upper Okanogan 12439500	Similkameen 12442500
Jan.	1	1,000	800	320	400
	15	1,000	800	320	400
Feb.	1	1,000	800	320	400
	15	1,000	800	320	400
Mar.	1	1,000	800	320	400
	15	1,000	800	320	400
Apr.	1	1,120	910	330	510
	15	1,250	1,070	340	640
May	1	1,400	1,200	350	800
	15	4,000	3,800	500	3,000
Jun.	1	4,000	3,800	500	3,000
	15	4,000	3,800	500	3,000
Jul.	1	2,400	2,150	420	1,650
	15	1,400	1,200	350	900
Aug.	1	1,050	840	320	590
	15	800	600	300	400
Sept.	1	800	600	300	400
	15	800	600	300	400
Oct.	1	940	730	330	450
	15	1,100	900	370	500

Month	Day	Lower Okanogan 12447200	Middle Okanogan 12445000	Upper Okanogan 12439500	Similkameen 12442500
Nov.	1	1,100	900	370	500
	15	1,100	900	320	500
Dec.	1	1,100	900	320	500
	15	1,050	850	320	450

(3) Base flow hydrographs, as represented in Figure II in the document entitled "Water Resources Management Program, Okanogan River Basin" dated 1976, shall be used for definition of base flows on those days not specifically identified in WAC 173-549-020(2) and WAC 173-549-030.

(4) All rights hereafter established shall be subject to the base flows established in WAC 173-549-020(1) through (3), except as provided under WAC 173-549-030 herein.

(5) Future appropriations of water which would conflict with base flows shall be authorized, by the director, only in those situations when it is clear that overriding considerations of the public interest will be served. [Order DE 76-25, § 173-549-020, filed 7/14/76.]

WAC 173-549-030 Future allocations——Reservation of surface water for beneficial uses. (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

Month	Lower Okanogan	Middle Okanogan	Upper Okanogan	Similkameen
Oct.	280	530	150	230
Nov.	530	720	200	360
Dec.	430	650	190	290
Jan.	380	540	220	220
Feb.	700	870	420	240
Mar.	30	250	10*	220
Apr.	1,040	1,460	370	820
May	4,280	5,230	440	4,890
Jun.	6,100	6,860	310	6,120
Jul.	1,690	2,190	10*	1,930
Aug.	170	430	10*	460
Sept.	10*	160	10*	190

All figures in cubic feet per second.

*Domestic and stock water only.

(b) The control station for each reach is defined in WAC 173-549-020.

(c) The allocation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis with such conditions of use in Canada considered as deemed appropriate by the director.

(2) The amounts of water referred to in WAC 173-549-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

Use Description	APR	MAY	JUN	JUL	AUG	SEP
Lower Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	1250	4000	4000	1400	800	800
Agriculture	130	130	130	130	91	0
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Middle Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	1070	3800	3800	1200	600	600
Agriculture	130	130	130	130	130	130
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Upper Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	340	500	500	350	300	300
Agriculture	60	60	60	0	0	0
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Similkameen						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	640	3000	3000	900	400	400
Agriculture	20	20	20	20	20	20
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					

All figures in cubic feet per second

(b) Allocation of surface waters by use category (October through March).

Use Description	OCT	NOV	DEC	JAN	FEB	MAR
Lower Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	1100	1100	1050	1000	1000	1000
Agriculture	30	30	30	30	30	30
Other Consumptive Uses	Remaining waters to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Middle Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	900	900	850	800	800	800
Agriculture	30	30	30	30	30	30
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Upper Okanogan						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	370	320	320	320	320	320
Agriculture	20	20	20	20	20	0
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					
Similkameen						
Domestic and Stock Use	10	10	10	10	10	10
Instream Use under Base Flow	500	500	450	400	400	400
Agriculture	20	20	20	20	20	20
Other Consumptive Uses	Remaining waters up to the appropriation limit set forth in WAC 173-549-030(1)(c)					

All figures in cubic feet per second

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350. [Order DE 76-25, § 173-549-030, filed 7/14/76.]

WAC 173-549-040 Priority of future water rights during times of water shortage. (1) As between rights established in the future pertaining to waters allocated in WAC 173-549-030(2) (a) and (b) all rights subject to this program shall be regulated in descending order of use category priority regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-549-030, the date of priority shall control with an earlier dated right being superior to those rights with later dates. [Order DE 76-25, § 173-549-040, filed 7/14/76.]

WAC 173-549-050 Streams and lakes closed to further consumptive appropriations. The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams and lakes to further consumptive appropriation for the periods indicated, with exceptions as noted:

(a) STREAM CLOSURES

Stream Name*	Affected Reach	Period of Closure
Johnson Creek	Mouth to headwaters	Closed all year
Chiliwist Creek	"	Closed May 1 to Oct. 1
Salmon Creek	"	Closed all year
Loup Loup Creek	"	Closed all year
Scotch Creek	"	Closed May 1 to Oct. 1
Tallant Creek	"	Closed May 1 to Oct. 1***
Pine Creek	"	Closed May 1 to Oct. 1
Aeneas Creek	"	Closed all year
Whitestone Lake and Creek	"	Closed all year
Antoine Creek	"	Closed all year
Bonaparte Creek	"	Closed May 1 to Oct. 1
Toats Coulee Creek	"	Closed all year
Sinlahekin Creek	"	Closed all year**
Nine Mile Creek	"	Closed all year
Whiskey Cache Creek	"	Closed all year
Siwash Creek	"	Closed all year
Chewiliken Creek	"	Closed May 1 to Oct. 1**
Tunk Creek	"	Closed May 1 to Oct. 1
Tonasket Creek	"	Closed May 1 to Oct. 1**

*Including tributaries

**Exception to closure made for domestic and stock water.

***Except Tallant Creek south of the north line of sections 34 and 35, T. 33N, R. 25 E.W.M. The status of lower Tallant Creek is dependent upon further investigation and evaluation to assess its return flow characteristics.

(b) LAKE CLOSURES

All lakes not listed below are restricted to rights to divert water for domestic and stock watering purposes only as appropriate:

Name	Location		
	Sec.	Twp.	Range
Aeneas Lake	25	37N	26E
Blue Lake	21	37N	25E
Conconully (Salmon) Lake	4-5-6	34N	25E
Conconully Reservoir	18	35N	25E
Duck Lake	10	34N	26E
Fancher Lake	2	38N	28E
Forde	2	37N	25E
Leader Lake	16	33N	25E
Lemanski Lake	13	37N	25E
Osoyoos Lake	22	40N	27E
Palmer Lake	13	39N	25E

Name	Location		
	Sec.	Twp.	Range
Sinlahekin Impoundments	3	37N	25E
Spectacle Lake	2	38N	26E
Whitestone Lake	17	38N	27E
Zosel's Mill Pond	27	40N	27E

[Order DE 76–25, § 173–549–050, filed 7/14/76.]

WAC 173–549–060 Ground water. If it is determined that a future development of ground water affects surface waters subject to the provisions of chapter 173–549 WAC, then rights to said ground water shall be subject to the same conditions as affected surface waters. [Order DE 76–25, § 173–549–060, filed 7/14/76.]

WAC 173–549–070 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise. Nothing in this chapter shall be construed to adversely affect Indian reserved rights. [Order DE 76–25, § 173–549–070, filed 7/14/76.]

Chapter 173–555 WAC
WATER RESOURCES PROGRAM IN THE LITTLE SPOKANE RIVER BASIN, WRIA–55

WAC

173–555–010 General provision.
173–555–020 Definition.
173–555–030 Establishment of base flows.
173–555–040 Future allocations——Reservation of surface water for beneficial uses.
173–555–050 Priority of future water rights during times of water shortage.
173–555–060 Streams and lakes closed to further consumptive appropriations.
173–555–070 Effect on prior rights.

WAC 173–555–010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Little Spokane River Basin, WRIA–55 (See WAC 173–500–040). Chapter 173–500 WAC, the general rules of the Department of Ecology for the implementation of the comprehensive water resources program, applies to this chapter 173–555 WAC. [Order DE 75–24, § 173–555–010, filed 1/6/76.]

WAC 173–555–020 Definition. "NON–COMMERCIAL AGRICULTURAL IRRIGATION" means beneficial use of water upon not more than three acres for the purpose of crops and livestock for domestic use. [Order DE 75–24, § 173–555–020, filed 1/6/76.]

WAC 173–555–030 Establishment of base flows. (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

Control Station Number, Stream Management Unit Name	Control Station Location by River Mile and Section, Township Range	Affected Stream Reach
No. 12–4270.00 Little Spokane River Elk	34.6 Sec. 8, T.29N., R.43 E.W.M.	From confluence with Dry Creek to the headwaters including tributaries except Dry Creek.
No. 12–4295.00 Little Spokane River Chattaroy	23.05 Sec. 34, T.28N., R.43 E.W.M.	From confluence with Deer Creek to confluence with Dry Creek including tributaries except Deer Creek.
No. 12–4310.00 Little Spokane River Dartford	10.8 Sec. 6, T.26N., R.43 E.W.M.	From confluence with Little Creek to confluence with Deer Creek including tributaries except Little Creek.
No. 12–4315.00 Little Spokane River Confluence	3.9 Sec. 3, T.26N., R.42 E.W.M.	From mouth to confluence with Little Creek including tributaries.

(2) Base flows established for the stream management units in WAC 173–555–030(1) are as follows:

Base Flows in the Little Spokane River Basin
(in Cubic Feet Per Second)

Month	Day	12–4270.00 Elk	12–4295.00 Chattaroy	12–4310.00 Dartford	12–4315.00 Confluence
Jan.	1	40	86	150	400
	15	40	86	150	400
Feb.	1	40	86	150	400
	15	43	104	170	420
Mar.	1	46	122	190	435
	15	50	143	218	460
Apr.	1	54	165	250	490
	15	52	143	218	460
May	1	49	124	192	440
	15	47	104	170	420
Jun.	1	45	83	148	395
	15	43	69	130	385
Jul.	1	41.5	57	115	375
	15	39.5	57	115	375
Aug.	1	38	57	115	375
	15	38	57	115	375
Sept.	1	38	57	115	375
	15	38	63	123	380
Oct.	1	38	70	130	385
	15	39	77	140	390
Nov.	1	40	86	150	400
	15	40	86	150	400
Dec.	1	40	86	150	400
	15	40	86	150	400

(3) Base Flow hydrographs, Figure II–1 in the document entitled "Water Resources Management Program in the Little Spokane River Basin" dated August, 1975

shall be used for definition of base flows on those days not specifically identified in WAC 173-555-030(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in sections WAC 173-555-030(1) through (3). [Order DE 75-24, § 173-555-030, filed 1/6/76.]

WAC 173-555-040 Future allocations——Reservation of surface water for beneficial uses. (1) The Department determines that these are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Surface water available from the east branch of the Little Spokane River, confluence with Dry Creek to headwaters, based on measurement at control station number 12-4270.00 at Elk are:

Month	May	June	July	Aug.	Sept.	Oct.
Date	1 15	1 15	1 15	1 15	1 15	1 15
Amount	26 22	17 14	11 9	5 5	5 5	7 7

(b) Surface water available from the Little Spokane River from confluence with Little Creek at Dartford to Eloika Lake outlet, and to confluence with Dry Creek based on measurement at control station number 12-4310 at Dartford are:

Month	May	June	July	Aug.	Sept.	Oct.
Date	1 15	1 15	1 15	1 15	1 15	1 15
Amount	340 236	152 103	62 34	11 11	11 11	20 20

(c) Available surface waters for those days not specified in (a) and (b) shall be defined from Figures II-3 and II-4 in the document entitled "Water Resources Management Program in the Little Spokane River Basin" dated August, 1975.

(2) The amounts of waters referred to in WAC 173-555-040(1) above are allocated for beneficial uses in the future as follows:

(a) Three cubic feet per second from the amount available in the east branch of the Little Spokane River referred to in WAC 173-555-040(1)(a) above and five cubic feet per second from the amount available in the Little Spokane River, besides east branch, referred to in WAC 173-555-040(1)(b) are allocated to future domestic, stockwatering and noncommercial agricultural irrigation purposes within the stream reaches specified therein throughout the year.

(b) The remainder of the amount referred to in WAC 173-555-040(1)(a) and (b) besides the amount specified in WAC 173-555-040(2)(a) are allocated to consumptive and nonconsumptive uses not specified in WAC 173-555-040(2)(a). These are further described in the Figures appended hereto. [Order DE 75-24, § 173-555-040, filed 1/6/76.]

WAC 173-555-050 Priority of future water rights during times of water shortage. (1) As between rights established in the future pertaining to waters allocated in WAC 173-555-040(2)(a) and (b), all rights established in (a) shall be superior to those pertaining to (b) regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-555-040, the date of priority shall control with an earlier dated right being superior to those rights with later dates. [Order DE 75-24, § 173-555-050, filed 1/6/76.]

WAC 173-555-060 Streams and lakes closed to further consumptive appropriations. The Department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation except for domestic and normal stockwatering purposes excluding feedlot operation:

SURFACE WATER CLOSURES

Stream* Name	Affected Reach	Date of Closure	Period of Closure
Dry Creek	Mouth to headwaters	5-26-1952	1 June-31 Oct.
Otter Creek	Mouth to headwaters	2-23-1971	"
Bear Creek	Mouth to headwaters	4-13-1953	"
Deer Creek	Mouth to headwaters	2-29-1968	"
Dragoon Creek	Mouth to headwaters	7-02-1951	"
Deep Creek	Mouth to headwaters	6-14-1961	"
Deadman Creek[1/]	Mouth to headwaters	11-28-1961	"
Little Creek	Mouth to headwaters	4-13-1953	"
W. Branch Little Spokane River	Outlet of Eloika Lake to headwaters	Date of adoption	"
All natural lakes in the basin		"	"

* Includes all tributaries in the contributing drainage area unless specifically excluded.

[1/] An unnamed tributary flowing through Sec. 20, T26N., R.44E. is exempted from closure.

[Order DE 75-24, § 173-555-060, filed 1/6/76.]

WAC 173-555-070 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise. [Order DE 75-24, § 173-555-070, filed 1/6/76.]

Chapter 173-559 WAC
WATER RESOURCES PROGRAM FOR THE COLVILLE RIVER BASIN, WRIA-59

WAC

173-559-010 Purpose.
173-559-020 Definitions.
173-559-030 Establishment of base flows.
173-559-040 Allocation for future surface water appropriations.
173-559-050 Certain streams and lakes are closed to further consumptive appropriations.
173-559-060 Ground water.
173-559-070 Effects on prior rights.

WAC 173-559-010 Purpose. This regulation is adopted in accordance with the Water Resources Management Regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter, including any amendments, applies to all waters that lie within or contribute to the Colville River drainage basin. This chapter sets forth the department's policies to manage the basin's water resources. [Order DE 77-6, § 173-559-010, filed 7/22/77.]

WAC 173-559-020 Definitions. For purposes of this chapter, the following definitions shall be used.

(1) "Allocation" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "Base flow" means a level of stream flow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(3) "Consumptive use" means use of water, whereby there is diminishment of the water resources.

(4) "Department" means the Washington state department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Domestic use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn and garden per dwelling, and other incidental household uses.

(7) "Hydrograph" is a graph showing the variation of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross-sectional location on the stream.

(8) "In-house domestic use" means use of water for drinking, cleaning, sanitation, and other uses in a residence, excluding irrigation of lawn and garden.

(9) "Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) "Perennial stream" means a stream with a natural flow which is normally continuous at any given location.

(11) "Reservoir permit" means a water right permit which authorizes construction of an impoundment structure, storage of water and generally the use of water in the amount of one filling annually.

(12) "Secondary permit" means a water right permit which allows diversion of water for beneficial use from a storage reservoir. A secondary permit is necessary only for use in excess of one filling annually, or for diversion and use by a party other than the reservoir owner.

(13) "Stream management unit" means a stream segment, reach, or tributary, containing a control station, that is identified on a stream reach map in an adopted water resource management program document as a unit for defining base flow levels.

(14) "Water right" means a right to make beneficial use of public waters of the state. [Order DE 77-6, § 173-559-020, filed 7/22/77.]

WAC 173-559-030 Establishment of base flows. Section 90.54.020 RCW requires that perennial rivers and streams shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values and navigational values. Under this provision, base flows for stream management units of a basin are established which describe discharge rates at stream measurement stations in each unit. The following subsections, WAC 173-559-030(1) through (4), establish these requirements for WRIA 59:

(1) In the Colville River Basin, monitoring of base flows will take place at the following control points:

Table 1

Stream Management Units

Stream Management Unit & Control Station Number	Control Station Location by River-Mile, and Section Township and Range	Stream Management Reach
Upper Colville River No. 12.4080.00	32.1 Sec. 31, T. 33 N., R. 40 E.W.M.	Colville River from confluence with Stensgar Creek to confluence of Sheep Creek and Deer Creek.
Lower Colville River No. 12.4090.00	5.0 Sec. 29, T. 36 N., R. 38 E.W.M.	Colville River from confluence with Lake Roosevelt to confluence with Stensgar Creek.

(2) In the Colville River Basin, base flows for the stream management units in WAC 173-559-030(1) are set in table 2 as follows:

Table 2

Base Flows in the Colville River Basin
(in Cubic Feet Per Second)

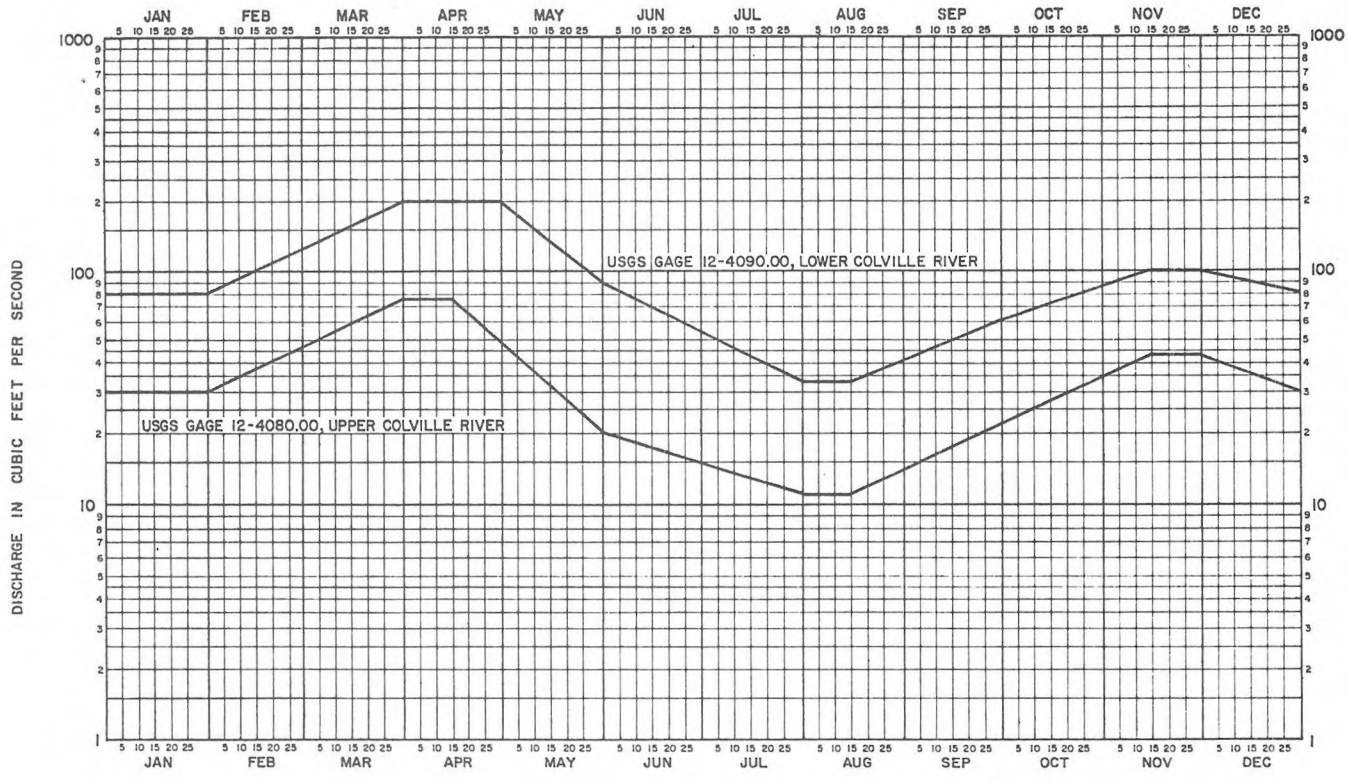
Month	Day	Upper Colville (12.4080.00)	Lower Colville (12.4090.00)
Jan.	1	30	80
	15	30	80
Feb.	1	30	80
	15	38	100
Mar.	1	47	124
	15	59	157
Apr.	1	76	200

Month	Day	Upper Colville (12.4080.00)	Lower Colville (12.4090.00)
	15	76	200
May	1	49	200
	15	32	135
Jun.	1	20	90
	15	17	70
Jul.	1	15	55
	15	13	43
Aug.	1	11	33
	15	11	33
Sep.	1	14	40
	15	18	49
Oct.	1	22	60
	15	27	70
Nov.	1	35	84
	15	43	100
Dec.	1	43	100
	15	36	90

(3) Figure 1, Base Flow Hydrographs for Selected Stations, shall be used to define base flows on those days not identified in WAC 173–559–030(2).

(4) All surface water rights, established by appropriation in the Upper Colville and Lower Colville stream management units after adoption of this regulation, shall be subject to the base flows set in WAC 173–559–030(1) through (3). However, these base flows will not apply to in–house domestic use and stock watering use, if an alternate source is not available to satisfy these uses. If the cumulative impact of numerous single in–house domestic use diversions is determined to substantially affect a stream's base flow or existing rights, then new permits for this use may be denied.

Figure 1 BASE FLOW HYDROGRAPH FOR SELECTED STATIONS



[Order DE 77–6, § 173–559–030, filed 7/22/77.]

WAC 173–559–040 Allocation for future surface water appropriations. (1) The department determines that surface water is available for appropriation from the Upper Colville River stream management unit and the Lower Colville River stream management unit except as provided in WAC 173–559–050(2). Tables 3 and

4 show the available amounts in cubic feet per second during specified periods, as follows:

Table 3 Allocation of Public Surface Water from the Upper Colville River Stream Management Unit

(Units in Cubic Feet Per Second)

Month	Base Flow	Future Consumptive Uses
Jan.	30	47
Feb.	41	68
Mar.	61	129
April	44	256
May	20	192
June	13	93
July		
1–15	12	18
16–31	12	0
Aug.	11	0
Sept.	17	0
Oct.	27	16
Nov.	43	21
Dec.	36	37

Table 4 Allocation of Public Surface Water from the Lower Colville River Management Unit

(Units in Cubic Feet Per Second)

Month	Base Flow	Future Consumptive Uses
Jan.	80	47
Feb.	100	68
Mar.	157	129
April	200	256
May	135	256
June	70	94
July		
1–15	43	18
16–31	43	0
Aug.	33	0
Sept.	49	0
Oct.	70	17
Nov.	100	21
Dec.	90	37

(2) Total appropriations for nonconsumptive uses may exceed the allocation limits specified in tables 3 and 4.

(3) Monthly allocations in tables 3 and 4 do not apply to the use of stored water. Specific provision will be included in all reservoir permits regarding period of filling, use and release of water. [Order DE 77–6, § 173–559–040, filed 7/22/77.]

WAC 173–559–050 Certain streams and lakes are closed to further consumptive appropriations. (1) The department has determined that no water is available for further consumptive appropriation in streams tributary to the Colville River. Therefore, these tributary streams are closed to further consumptive appropriation except for reservoir storage from November 1 through May 31. Applications for single in–house domestic use, or stockwatering may be approved if no alternate source of water supply is available and the proposed use will not impair existing water rights.

(2) The Upper Colville River and Lower Colville River will be closed to further consumptive appropriation from July 16 through September 30, except for in–house domestic use and normal stockwatering if no alternate source of water supply is available.

(3) If the cumulative impact of numerous single in–house domestic use diversions is determined to substantially affect a closed stream's base flow, then new permits for this use may be denied. Base flow levels for closed streams are specified in the department's publication, "Water Resources Management Program, Colville River Basin."

(4) Appropriation of water from streams tributary to the Colville River for out of stream storage and on–stream storage shall be subject to the base flows recommended in the department's publication, "Water Resources Management Program, Colville River Basin."

(5)(a) Lakes included in table 5 are closed to further consumptive appropriation for specified periods of the year, except for in–house domestic and stockwatering uses. The department may deny applications for domestic use if the cumulative effect of such diversions would be detrimental to retaining a lake substantially in its natural condition.

Table 5 Lake Closures

Lake	Tributary to	Location	Period of Closure
Deer Lake	Sheep Creek	T. 30 N., R. 41 E. Secs. 1, 11,12,14	June 1–Oct. 31
Loon Lake	Sheep Creek	T. 30 N., R. 41, E. Secs. 33, 34., T.29 N., R. 41 E. Secs. 2, 3,4,10,11	June 1–Oct. 31
Waitts Lake	Waitts Creek	T. 31 N., R. 40 E. Secs. 17–20	June 1–Oct. 31
Jumpoff Joe Lake	Colville River	T. 31 N., R. 40 E. Sec. 19	June 1–Oct. 31
White Mud Lake		T. 35 N., R. 40 E. Sec. 19.	June 1–Oct. 31
Heritage and Thomas Lakes	Little Pend Oreille River	T. 36 N., R. 42 E. Secs. 8,9, 17,18	June 1–Oct. 31

(b) Appropriation of water from lakes not specified in table 5 will be permitted if prior water rights will not be adversely affected and if the appropriation will not conflict with the intent of RCW 90.54.020(3)(a) which stipulates, in part, that "lakes and ponds shall be retained substantially in their natural condition." [Order DE 77–6, § 173–559–050, filed 7/22/77.]

WAC 173-559-060 Ground water. If it is determined that a future development of ground water affects surface waters subject to the provisions of WAC 173-559-030 through 173-559-050, then rights to said ground water shall be subject to the same conditions as affects the surface water. [Order DE 77-6, § 173-559-060, filed 7/22/77.]

WAC 173-559-070 Effects on prior rights. Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means. [Order DE 77-6, § 173-559-070, filed 7/22/77.]

Chapter 173-590 WAC
PROCEDURES RELATING TO THE RESERVATION OF WATER FOR FUTURE PUBLIC WATER SUPPLY

WAC

173-590-010 Background.
173-590-020 Purpose.
173-590-030 Authority.
173-590-040 General.
173-590-050 Definitions.
173-590-060 Reservation procedure——Petition for reservation.
173-590-070 Contents of petition.
173-590-080 Record of petition.
173-590-090 Notice.
173-590-100 Investigation.
173-590-110 Reservation.
173-590-120 Compatibility with existing water resources program.
173-590-130 Separate reservation by use.
173-590-140 Reservation subject to review and change.
173-590-150 Effective date of reservation.
173-590-160 Application for water rights.
173-590-170 Reservation without petition——Hearings.
173-590-180 Appeal.

WAC 173-590-010 Background. (1) The water resources act of 1971 (chapter 90.54 RCW) sets forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington, and in relation thereto, the act provides direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The act directs the department to develop and implement a water resources program which will provide a process for making decisions on future water resource allocation and use.

(3) The program may be developed in regional segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use.

(4) Preservation and protection of water in a potable condition for adequate and safe supplies to satisfy human domestic needs is one of the fundamentals of state water resource policy set forth in said act.

(5) The act further directs the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.

(6) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less cost including opportunity lost. [Order DE 75-32, § 173-590-010, filed 3/11/76 and 3/10/76.]

WAC 173-590-020 Purpose. The purpose of this chapter is to establish and set forth a procedure whereby any person within the state of Washington may petition the department to reserve water for future public water supply. [Order DE 75-32, § 173-590-020, filed 3/10/76.]

WAC 173-590-030 Authority. This regulation is adopted pursuant to the water resources act of 1971, chapter 90.54 RCW. [Order DE 75-32, § 173-590-030, filed 3/10/76.]

WAC 173-590-040 General. (1) These rules shall apply to both surface and ground waters of the state.

(2) Because of changing future conditions, including institutional arrangements, reservations under this chapter will be for specific geographic areas rather than for particular water suppliers.

(3) Appropriation of reserved water shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW and adopted water resources programs under chapters 173-500 through 173-562 WAC applicable to the geographic area specified in a water right application.

(4) Regulations reserving waters for public water supply shall, where appropriate, provide guidelines for an interim use of the reserved waters for other beneficial uses. [Order DE 75-32, § 173-590-040, filed 3/10/76.]

WAC 173-590-050 Definitions. For the purpose of this chapter and subsequent regulations, the following definitions shall be used:

(1) "Community Water Use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial and irrigational uses.

(2) "Director" means the director of the state of Washington department of ecology or his authorized representative.

(3) "Department" means the department of ecology unless specified otherwise.

(4) "Domestic Water Use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or Industrial Use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling and conveying.

(6) "Public Water Supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public Water Supply System" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated Water System Plan" means a plan adopted by utilities covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible. In areas where more than one water system lie in close proximity, a coordinated water system plan may consist of either of the following:

(a) A compilation of current and compatible water system plans developed by each utility containing the elements of comprehensive plan as set forth in WAC 248-54-280, with the addition of future service area designations, assessment of the feasibility of shared source, transmission, and storage facilities, and other mutual or regional concerns.

(b) An area wide water system plan developed jointly or by a lead agency which adequately addresses all the items mentioned in (a) above.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and RCW 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity however dominated, including a state agency or county who operates a public water supply system or who contemplates such an operation. [Order DE 75-32, § 173-590-050, filed 3/10/76.]

WAC 173-590-060 Reservation procedure——Petition for reservation. Any person, hereafter desiring the department to reserve water for future public water supply may file a petition with the director requesting future establishment of a reservation, provided that the applicant shall have a coordinated water system plan approved by the secretary, department of social and health services unless exempted from this requirement by both the secretary and the director. [Order DE 75-32, § 173-590-060, filed 3/10/76.]

WAC 173-590-070 Contents of petition. Each petition to the director for the reservation of water shall include, but not be limited to, the following:

(1) Name and post office address of the applicant.

(2) Source of water supply.

(3) Map showing the proposed general service area, source of supply, pipelines, distribution systems, wells and other appurtenant works.

(4) Present and projected population in 10, 25, and 50 years.

(5) The amount of the present and proposed use in the following categories, and the time during which water will be required each year if the requirements differ seasonally:

(a) Domestic water use;

(b) Community water uses including specific amounts for attendant commercial, industrial and irrigational uses;

(c) Other(s) as specified.

(6) Copy of a coordinated water system plan, or comprehensive plan under WAC 248-54-280 if water systems are sufficiently separated so that no advantages will be realized by coordination. All review comments from the local A-95 clearinghouse on said plan shall be provided.

(7) Information to justify the requested reservation quantity in the form of official state population estimates, regional plan or engineering reports.

(8) A summary of ongoing and planned conservation programs. When applicable, this must summarize water usage for the previous five years including total water diverted or withdrawn, total water sold, and the quantities used by residential, wholesale and large industrial users. Status of metering of all services must be described. Rate structures should not encourage waste of the water resources and should be described.

(9) Other data as may be required by the director. [Order DE 75-32, § 173-590-070, filed 3/10/76.]

WAC 173-590-080 Record of petition. The department shall maintain a file of all petitions for reservation of water under the provisions of this chapter. If a petition is returned to the petitioner for completion or correction, the date and the reasons for the return thereof shall be endorsed and shall be recorded in the reservation file. [Order DE 75-32, § 173-590-080, filed 3/10/76.]

WAC 173-590-090 Notice. Upon receipt of a proper petition, the director shall publish notice thereof in a newspaper or newspapers of general circulation in the county or counties in which the storage, diversion, and use is to be made, once a week for two consecutive weeks.

The director shall send notice thereof to the secretary, department of social and health services, and to the directors of the departments of fisheries and game for the purpose of soliciting their comments. [Order DE 75-32, § 173-590-090, filed 3/10/76.]

WAC 173-590-100 Investigation. When a petition is received, the director shall conduct an investigation of the surrounding impacts of the proposed reservation. [Order DE 75-32, § 173-590-100, filed 3/10/76.]

WAC 173-590-110 Reservation. Upon review of a petition for reservation, related data and the results from the departmental investigation, the director shall notify the petitioner of action pertaining to the petition, [to] withdraw affected waters under RCW 90.54.050(2), or to reserve water(s). If reservation is deemed appropriate, the director shall take action to adopt a regulation or amend an existing regulation established pursuant to chapter 173-500 WAC to reserve water for a future

public water supply for the general geographic area described in the petition or for a general area the director determines appropriate. (RCW 90.54.050 mandates the department to conduct a public hearing, prior to adoption of a rule to withdraw or to reserve in each county in which waters relating to the rule are located.)

The amount of the reservation shall be determined by the director and may be more or less than the amount requested in the petition. The total reservation amount may be prorated to specific subareas of service in the proposed development area. Appropriate map may be appended to regulation. [Order DE 75-32, § 173-590-110, filed 3/10/76.]

WAC 173-590-120 Compatibility with existing water resources program. Reservation of waters pursuant to this chapter and other elements of a comprehensive water resources program developed pursuant to chapters 173-500 through 173-562 WAC and amendments thereof shall be compatible. [Order DE 75-32, § 173-590-120, filed 3/10/76.]

WAC 173-590-130 Separate reservation by use. In situations where a given area will require significant quantities of water for other than community and domestic water uses, the reservation may identify separate quantities for each use. [Order DE 75-32, § 173-590-130, filed 3/10/76.]

WAC 173-590-140 Reservation subject to review and change. From time to time, any reservation established under this chapter shall be reviewed and, when it appears appropriate to the department in implementing RCW 90.54.050, modified. No change shall be made without consultation of interested parties. The water resource program and the coordinated water system plan shall be reviewed, and changed as necessary, at least once every ten (10) years. [Order DE 75-32, § 173-590-140, filed 3/10/76.]

WAC 173-590-150 Effective date of reservation. The effective date of a reservation established under the provisions of this chapter shall be the date when a regulation pertaining to a specific reservation has been adopted: *Provided*, That the effective date for any additional amount of reservation pursuant to the provisions of WAC 173-590-140 shall be the date when such subsequent amendments become effective. [Order DE 75-32, § 173-590-150, filed 3/10/76.]

WAC 173-590-160 Application for water rights. With regard to any permit issued pursuant to RCW 90.03.290 and 90.44.060 which authorizes withdrawal and use of waters subject of a regulation provided for in WAC 173-590-110 hereof, the priority date of said permit shall be the effective date of said regulation. [Order DE 75-32, § 173-590-160, filed 3/10/76.]

WAC 173-590-170 Reservation without petition——Hearings. Whenever it appears necessary, the director may reserve and set aside waters for beneficial utilization in the future on his own motion as provided under RCW 90.54.050(1). In so doing, prior to the adoption of such rule, the director shall conduct a public hearing in each county in which waters relating to such rule are located. [Order DE 75-32, § 173-590-170, filed 3/10/76.]

WAC 173-590-180 Appeal. The procedures hereof relate solely to rule-making activity of the department and are designed to obtain information to assist the department in determining when waters should be reserved as provided in RCW 90.54.050. Actions conducted under this chapter do not relate to contested cases within the meaning of the administrative procedures act, chapter 34.04 RCW.

Regulations establishing reservations adopted hereunder shall be subject to review as provided in RCW 34.04.070 and 34.04.080. [Order DE 75-32, § 173-590-180, filed 3/10/76.]

Chapter 173-596 WAC

PROCEDURES AND POLICIES GOVERNING APPROPRIATIONS OF SIGNIFICANT AMOUNTS OF WATER FOR AGRICULTURAL IRRIGATION USE

WAC

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WAC 173-596-010 Background. (1) It has been long established in our federal system, as a matter of national policy, that each state has the primary responsibility for the establishment and administration of water rights programs for waters within its boundaries. In exercising its responsibilities, the Washington State legislature, more than a half-century ago, declared that "(S)subject to existing rights all waters within the state belong to the public." RCW 90.03.010.

The dominant doctrine for allocation of water rights in the state of Washington has been the "appropriation" doctrine. The variation of that doctrine now in operation in the state is the "permit system" established in the "water code" of 1917. Chapter 90.03 RCW. This code provides that the sole method presently available under state law, for establishing rights to divert and make beneficial use of public surface waters of the state is through the operation of the permit system of RCW 90.03.250 through RCW 90.03.340. Establishment of a right under the permit system is based upon a ruling by the department of ecology on an application filed with the department. It is the department's responsibility, in so ruling, to make a finding relating to the physical

availability of water for a beneficial use as well as a finding relating to whether a new appropriation would impair existing rights. In addition, and most importantly, the department must make a determination as to the effect of the proposed appropriation on the public welfare and public interest. RCW 90.03.290.

This regulation relates to the latter determination. Public interest and welfare considerations were not precisely articulated in the 1917 water code; instead, their definition has been the responsibility of the "state hydraulic engineer" and successor officials operating under other titles. Over the years, the wisdom and discretion of these administrators has controlled in such matters.

In 1971 the legislature enacted the Water Resources Act of 1971. Chapter 90.54 RCW. The purpose of the act was:

> . . .to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials, in carrying out water and related resources programs. RCW 90.54.010

These fundamentals of state water allocation policy are set forth in RCW 90.54.020. By RCW 90.54.040(1), the department of ecology

> . . .through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use.

Subsection (2) of RCW 90.54.040 directs the department as follows:

> In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section.

One year earlier in the Environmental Quality Reorganization Act of 1970, the legislature recognized and declared ". . . it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. . . ." RCW 43.21A-.010. See also RCW 43.21C.020(1), (2) and (3), RCW 43.21C.030 and RCW 43.21C.060.

From the foregoing it is clear that the public interest and welfare considerations involved in a ruling upon applications under RCW 90.03.290 have been amplified and more precisely described in chapter 90.54 RCW and other state statutes. Further, the department of ecology is under a mandate to adopt regulations which incorporate the policies of the Water Resources Act of 1971 into the "permit system" of chapter 90.03 RCW.

(2) The state's water resources, which are held in a form of public trust for all its citizens, are not unlimited in availability for beneficial uses. It has become increasingly apparent from recent examinations that the demands and needs for the water resources of the state, in many cases, already exceed the waters available to satisfy these demands and needs. Further, during the past several years proposals have been made to initiate developments and activities which would require very large amounts of public waters. These proposals have usually related to agricultural irrigation projects, covering vast areas of land, under the control and operation of a few persons or nongovernmental entities. Such proposals have a potential for significantly affecting not only the quantity and quality of waters of the state but a wide range of other natural resources. In addition these water–based proposals have the potential for very substantially modifying the economic and social structure of vast areas of the state. [Order DE 76–19, § 173–596–010, filed 6/8/76.]

WAC 173–596–015 Purpose. The purpose of this regulation is to integrate the policies of chapter 90.54 RCW, and other code provisions previously referred to, into the decision–making processes of the department of ecology in the implementation of the permit system of chapter 90.03 RCW as it pertains to proposed significant withdrawals of public surface waters. This regulation pertains primarily to the integration of the policy fundamentals of RCW 90.54.020 into the public interest factors mandated for consideration by RCW 90.03.290. In relation thereto special attention is directed to RCW 90.54.020(2) which provides that:

> (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

This regulation deals directly with rulings upon applications for water right permits pertaining to proposals to irrigate vast tracts of the state for agricultural purposes with very large amounts of water removed from public surface waters of the state. Such proposals normally appear to have far greater environmental, social and economic implications than most water withdrawals approved by the state in the past and, therefore, should be ruled upon only after full and very careful consideration thereof to insure the public interest and welfare is protected and promoted. [Order DE 76–19, § 173–596–015, filed 6/8/76.]

WAC 173–596–020 Definitions. For the purpose of this chapter the following definitions shall apply.

(1) "Application" means an application for a permit provided for in RCW 90.03.250.

(2) "Department" means department of ecology of the state of Washington.

(3) "Family farm unit" means a geographical area consisting of not more than 2,000 acres of irrigated agricultural lands utilized for the benefit of a single family.

(4) "Permit" means a permit as provided for in RCW 90.03.290.

(5) "Person" means any individual, corporation, partnership, or other entity.

(6) "Public entity" means any governmental agency, public or municipal corporation and county with authority to administer and operate an agricultural irrigation water supply system and the capability to serve a substantial number of family farm units.

(7) "Public waters" means waters subject to the permit system of RCW 90.03.250 et seq.

(8) "Regional" means a geographical area, not limited to a specific areal extent, that, because of overall compatibility between numerous physical, social and economic characteristics including, but not limited to, soil types, irrigability, water availability, topography and accessibility, appears to lend itself to a single comprehensive development.

(9) "Significant withdrawal" means any proposed withdrawal by any person of public surface waters (and associated ground waters having direct hydraulic continuity therewith) for agricultural irrigation uses:

(a) In the amount of 40 cubic feet per second or greater, or

(b) On 2,000 acres or greater.

A proposed withdrawal shall be considered a "significant withdrawal" if it relates to a portion of a total project or operating unit which exceeds the amounts of subsections (a) or (b) hereof. [Order DE 76-19, § 173-596-020, filed 6/8/76.]

WAC 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters. In order to secure maximum net benefits in the allocation of public waters for the people of the state and to otherwise carry our statutory policy and protect and promote the public interest and welfare applications for permits issued pursuant to RCW 90.03.290, which authorize a significant withdrawal of public waters, shall be processed as provided in WAC 173-596-030 through WAC 173-596-045. [Order DE 76-19, § 173-596-025, filed 6/8/76.]

WAC 173-596-030 Regional water supply and multipurpose project considerations. (1) The following shall be favored generally in relation to significant withdrawals:

(a) Development of water supply projects which provide water to members of the public generally in regional areas of the state.

(b) Development of multipurpose water projects.

(c) Operation by public entities of such comprehensive water supply and multipurpose water projects.

(d) Family farming.

(2) In the processing of an application for a significant withdrawal, the department shall first determine whether: (a) public waters are available for appropriation for a beneficial use, and (b) the proposed withdrawal of public waters would not impair existing rights. The department shall deny the application if either of these two determinations are not in the affirmative.

(3) If the department finds public waters are available and no such impairment would take place, the department shall then determine whether the proposed use of water will be upon lands which may be served in better fashion, taking into account public interest considerations, through a regional water supply system or multipurpose water project. This finding shall be determined after the completion of feasibility studies, environmental impact statements, or other appropriate information gathering methods. The department shall further determine whether there is presently a public entity in existence with the interest and capability to construct and operate such a project, or it appears such an entity will be established within the reasonably foreseeable future.

(4) If the department determines that a regional water project appears both desirable and feasible for development and that a public entity is or will be in existence which has the interest and capability to construct and operate such a project within the reasonably foreseeable future, the department shall take appropriate actions designed to bring about the development of the regional project and the creation of water rights under RCW 90-.03.250 et seq. for the operating public entity. The department may, as one of such actions described above, reserve public waters as provided in RCW 90.54.050 to assure the availability of public waters for the project. These actions shall continue unless the department thereafter concludes that the objectives of the actions cannot be reached within a reasonable time.

(5) Permits issued under RCW 90.03.250 et seq. to a public entity for a regional water project shall be conditioned to insure a substantial portion of the waters, normally more than 50 percent, authorized for withdrawal for irrigation use are used for family farm units and that no person owning or operating a family farm unit and receiving water from the substantial portion should be supplied further waters from such portion. The permit shall provide conditions taking into account state water allocation policy to insure equitable distribution of those waters available for lands other than those within family farm units. Such permits shall be further conditioned to require all users of water for agricultural irrigation purposes to carry out a conservation and management program as described in WAC 173-596-045, except as provided in WAC 173-596-055(5), the department shall not include a condition limiting the term of time of effectiveness of the permit to a specific period of years or to a specific termination date unless specifically requested by the applying public entity.

(6) If a permit is issued as provided in subsection (5), the department shall deny the application for a significant withdrawal, referred to in subsection (2), at the time of the issuance of a permit unless said application is included in the decision of the department as part of the permit granted to the public entity.

(7) If the public entity increases its service area in a manner that results in a substantial portion of water being required for other than family farms, any new applications will be processed in the same manner as provided

in WAC 173–596–035. [Order DE 76–19, § 173–596–030, filed 6/8/76.]

WAC 173–596–035 Processing of applications. (1) If the department determines a regional water project, as provided in WAC 173–596–030, is not desirable or feasible, or an entity is not available to construct and operate such a project, the department shall further process the application for a significant withdrawal referred to in WAC 173–596–030(2).

(2) The department shall then conduct hearings to obtain comments from the public pertaining to the application. The hearings, which shall be announced by notices in newspapers, and such other means the department deems appropriate, shall be held in the county or counties where the proposed point or points of withdrawal of public waters are located. The hearings shall be conducted for the purpose of obtaining views not only as to whether the application should be approved but whether, if approved, the permit issued should contain the conditions provided for in WAC 173–596–040.

(3) The department shall include the conditions provided for in WAC 173–596–040 only if it is determined that, under the particular facts, the policies pertaining to the achievements of maximum net benefits and other existing state policies of chapters 90.54 and 90.03 RCW and otherwise, or pertinent water allocation policies as are in effect are clearly promoted by the inclusion thereof. A permit including the conditions provided for in WAC 173–596–040 shall be characterized as "a water right permit of regional or statewide significance." [Order DE 76–19, § 173–596–035, filed 6/8/76.]

WAC 173–596–040 Water right of regional or statewide significance. A water right permit of regional or statewide significance shall provide that the initial period of authorization for withdrawal shall be for 50 years and the permit holder shall be entitled to a first right of extension thereto as provided hereinafter. A permit shall terminate, in whole or in part, at the end of its term if at any time prior to the end of the 45th year of any 50–year term the department:

(1) Finds:

(a) All or a portion of the public waters of the state authorized for withdrawal by the permit are required for a higher beneficial use or purpose to satisfy state policy at the conclusion of any term.

(b) The termination does not appear to create conditions detrimental to the public interest and welfare which exceed the public benefits to be derived from the termination, and provided that the department in its termination shall give full and just consideration to allow the water right holder to retain a portion of the right with an allocation of water sufficient to satisfy the needs of a family farm, consistent with the manner in which family farming is being carried out in the area in question at that point in time, and

(2) Notifies the holder of the permit by written regulatory order of the aforementioned findings and the decision to terminate the permit. If the department does not provide the aforementioned notice the authority to withdraw embodied in the permit shall, at the end of the 45th year of its term, automatically be extended an additional 50–year period from its original term for a new term of 50 years.

(3) Any order issued pursuant to WAC 173–596–045(2) shall be subject to full and complete review as provided in WAC 173–596–065. [Order DE 76–19, § 173–596–040, filed 6/8/76.]

WAC 173–596–045 Conservation and management program. (1) A water right pertaining to a significant withdrawal shall normally include a condition relating to a conservation and management program designed to promote public interest values on the lands to which the public waters are to be applied as well as on the lands adjacent thereto. This program shall include, among others and when reasonably achievable, elements which promote natural resources values, protect against soil losses to public waters and air and provide for adequate drainage and related facilities. The program shall be developed in consultation with appropriate federal, state, and local agencies having responsibilities for administration of natural resources protection and management programs. The program shall be designed to minimize the financial commitment of the permit holder and such commitment shall, whenever possible, be limited to a one–time expense. The program shall be designed, so far as practicable, to preclude a commitment of the permit holder to perform special farm practices of a nature not associated with standard farm conservation practices.

(2) Generally, this program, in precisely described form, shall be included as a condition of the permit at the time of the ruling upon the application. However, in some circumstances, it is contemplated that a precisely described program will not be included as a condition of permit prior to its issuance. In such event a permit condition requiring a program to be developed in precisely described form by the permittee, after consultation with the aforementioned public entities, shall be included. The permit shall further require that the aforementioned program must be submitted by permittee to, as well as be approved by, the department within six months of the date of the issuance of the permit. Approval of a program, in the form approved by the department, shall be by written regulatory order. No public waters authorized for withdrawal by a permit shall be withdrawn prior to the approval being given to a program.

(3) Conservation and management programs, as related to fauna and flora, shall be designed primarily for nonfarmed areas and farmed areas which are not appropriate for intensive agricultural endeavors.

(4) Implementation by the permittee of a program embodied in a permit condition on a continuing basis shall be a requirement for continued withdrawal of public water and failure to so implement a program shall constitute grounds for the department to terminate a permit. [Order DE 76–19, § 173–596–045, filed 6/8/76.]

WAC 173–596–050 Monitoring program. The department shall carry out a monitoring program pertaining to the uses being made by permittee of public waters to insure against waste and other practices which may

cause degradation of public resources and to otherwise prevent misuse of public waters and permits shall be conditioned to insure compliance herewith. [Order DE 76-19, § 173-596-050, filed 6/8/76.]

WAC 173-596-055 Effect on existing rights and laws and public entities. (1) Nothing in this chapter shall affect any existing rights to withdraw public waters.

(2) Nothing herein shall modify the regulation of existing rights based on the priority of the right.

(3) Rights embodied in permits issued for significant withdrawals shall be issued subject to existing rights.

(4) Nothing in this chapter modifies or otherwise affects any statutory provisions pertaining to permits and certificates including those pertaining to termination of permits or certificates or loss or forfeiture thereof.

(5) The provisions of this chapter should be considered as nonexclusive water allocation policy factors and should not be construed as restricting the department from consideration of other factors as they become relevant to rulings upon applications for permits and conditioning the same for significant withdrawals.

(6) Nothing herein shall be construed to authorize members of the public to enter private lands subject to the provisions of this act.

(7) Nothing herein shall relate to or modify any powers of eminent domain. [Order DE 76-19, § 173-596-055, filed 6/8/76.]

WAC 173-596-060 Environmental impact statement. Detailed statements, as provided for in RCW 43-.21C.030, shall be prepared when appropriate prior to ruling upon any application for a significant withdrawal or withdrawal for a regional water supply project as provided in this chapter. [Order DE 76-19, § 173-596-060, filed 6/8/76.]

WAC 173-596-065 Review of regulatory orders. Written regulatory orders as provided herein shall be considered final orders of the department which are subject to review, as any other final order of the department of ecology, before the pollution control hearings board. See chapter 43.21B RCW. [Order DE 76-19, § 173-596-065, filed 6/8/76.]

Chapter 173-800 WAC
INTEGRATION OF POLICIES AND PROCEDURES OF SEPA INTO THE PROGRAMS OF THE DEPARTMENT OF ECOLOGY

WAC

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WAC 173-800-010 Authority. This chapter is promulgated pursuant to the directives of RCW 43.21C.120 and chapter 197-10 WAC. [Order DE 76-12, § 173-800-010, filed 5/14/76.]

WAC 173-800-015 Impact of guidelines on the department. (1) These guidelines are required by the statewide SEPA guidelines adopted by the council on environmental policy (chapter 197-10 WAC). The council, an independent body established by the legislature in 1974, will cease to exist on July 1, 1976, when, by law, all of its duties will transfer to the department of ecology.

(2) The department, along with other state and local agencies, submitted comments to CEP on their various draft versions. As it became evident that the Guidelines would place severe new burdens on the department, a modest request for the necessary budget allowance was made to the legislature. Unfortunately the legislature did not fund this request, and therefore, the department was placed in a difficult position in terms of its ability to implement.

(3) The department fully endorses the intent and spirit of SEPA and will make a conscious effort to carry out all responsibilities required of the department, as outlined in the Guidelines. However, as a result of not obtaining funding or staff to carry out duties which the department will inherit on July 1, 1976, the capacity of the department to provide full service to the public has been seriously diminished. The department will make every effort to implement the SEPA guidelines in the best possible manner with the existing resources. [Order DE 76-12, § 173-800-015, filed 5/14/76.]

WAC 173-800-020 Purpose. (1) The purpose of this chapter is to implement the statewide guidelines (chapter 197-10 WAC) established by the council on environmental policy as they apply to actions of the department of ecology.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department of ecology to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [Order DE 76-12, § 173-800-020, filed 5/14/76.]

WAC 173-800-030 Effect of SEPA. The state environmental policy act provides additional standards for departmental decision-making for all activities which may have an impact on the environment. The processes of the state environmental policy act, including but not limited to detailed statement requirements, are aimed at making more informed decisions, and toward projects with greater public and environmental acceptability. The process should foster mutual communication, understanding and cooperation among applicants, governmental agencies and citizens. All reasonable alternatives and mitigative/compensatory measures should be explored. [Order DE 76-12, § 173-800-030, filed 5/14/76.]

WAC 173-800-035 Integration of SEPA procedures with other departmental operations. To the fullest extent possible, the department of ecology shall integrate the procedures required by these guidelines with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication. [Order DE 76-12, § 173-800-035, filed 5/14/76.]

WAC 173-800-040 Definitions. The following words and terms have the following meanings for the

purposes of this chapter, unless the context indicates otherwise:

(1) Acting Agency. Acting agency means an agency with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

(2) Action. Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and 43.21C.030(2)(d). (See the provisions of WAC 197–10–170, 197–10–175 and 197–10–180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA, due to CEP's determination that such activities are minor, not major, actions, even though such activities are within one of the subcategories below.) All actions fall within one of the following subcategories:

(a) Governmental licensing.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not it directly modifies the environment.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) Agencies with Expertise. Agencies with expertise means those agencies to which a draft environmental impact statement shall be sent pursuant to WAC 173–800–465, unless they are also agencies with jurisdiction.

(4) Agencies with Jurisdiction. Agencies with jurisdiction means those agencies from which a nonexempt license is required for a proposal or any part thereof, or which will act upon an application for a grant or loan for a proposal, or agencies which are proposing or initiating any governmental action of a project or nonproject nature. The term does not include those agencies authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for specific proposals; nor does the term include agencies, involved in approving grants or loans, which serve only as conduits between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are instrumentalities of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or Agencies. Agency or agencies means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean such successor agency.

(6) CEP. CEP means the council on environmental policy.

(7) Consulted Agency. Consulted agency means any agency with jurisdiction or with expertise which is consulted, or from which information is requested by a lead agency during the threshold determination, predraft consultation, or consultation on a draft environmental impact statement.

(8) County/City. County/city means a county, city or town. For the purposes of this chapter, duties and powers are assigned to a county, city or town as a unit, with the delegation of responsibilities among the various departments of a county, city or town being left to the legislative or charter authority of the individual counties, cities or towns.

(9) Declaration of NonSignificance. Declaration of nonsignificance means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 173–800–355 shall be used for this declaration.

(10) Declaration of Significance. Declaration of significance means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 173–800–355 shall be used for this declaration.

(11) Draft EIS. Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(12) EIS. EIS means the detailed statement required by RCW 43.21C.030(2)(c). It may refer to either a draft or final environmental impact statement, or both, depending upon context.

(13) Environment. Environment means, and is limited to, those areas listed in WAC 173–800–444.

(14) Environmental Checklist. Environmental checklist means the form contained in WAC 173–800–300.

(15) Environmental Document. Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(16) Environmentally Sensitive Area. Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 197–10–177, and within which certain categorical exemptions do not apply.

(17) Final EIS. Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may consist of a new document, or of the

draft EIS together with supplementary material prepared pursuant to WAC 173–800–570, 173–800–580 or 173–800–695.

(18) Lands Covered by Water. Lands covered by water means lands underlying the water areas of the state, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(19) Lead Agency. Lead agency means the agency designated by the provisions of WAC 197–10–200 through 197–10–270 or 197–10–345, which is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(20) License. License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license thus includes the whole or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project; a license required solely for revenue purposes is not included.

(21) Licensing. Licensing means the agency process in granting, renewing or modifying a license.

(22) List of Elements of the Environment. List of elements of the environment means the list contained in WAC 173–800–444 which must be attached to every environmental impact statement.

(23) Local Agency. Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(24) Major Action. Major action means any "action" as defined in this section which is not exempted by WAC 197–10–170, 197–10–175 and 197–10–180.

(25) Nonproject EIS. Nonproject EIS means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(26) Physical Environment. Physical environment means and is limited to those elements of the environment listed under "physical environment" in WAC 173–800–444(2).

(27) Private Applicant. Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(28) Private Project. Private project means any proposal for which the primary initiator or sponsor is an individual or entity other than an "agency" as defined in this section.

(29) Proposal. Proposal means a specific request to undertake any activity submitted to, and which is seriously considered by, an agency or a decision maker within an agency, as well as any action or activity which may result from approval of any such request.

(30) Responsible Official. Responsible official means that officer or officers, committee, department or section of the lead agency designated by the lead agency's guidelines to undertake its responsibilities as lead agency.

(31) SEPA. SEPA means the state environmental policy act of 1971, chapter 43.21C RCW, as amended.

(32) State Agency. State agency means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(33) Threshold Determination. Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

(34) Department. Department shall mean the department of ecology unless otherwise indicated. [Order DE 76–12, § 173–800–040, filed 5/14/76.]

WAC 173–800–050 Designation of responsible official. (1) Within the department of ecology, the ultimate responsible official is the director. Normally, the operational responsibility shall be delegated to levels no lower than a supervisor of a regional office branch or a division supervisor. When significant inter–divisional involvements occur, consideration shall be given to establishing the next higher official common to involved supervisors as the responsible official. When the convergence or responsibility is higher than the assistant director level, the responsible official shall be designated by the deputy director.

(2) The identity of the responsible official should be established as soon as possible, ideally at the pre–application (or for department actions——pre–project formulation) stage. The first department contact person should make a recommendation to his/her supervisor in order that a preliminary determination may be made. [Order DE 76–12, § 173–800–050, filed 5/14/76.]

WAC 173–800–060 Timing. (1) The department shall integrate SEPA into its normal processes in such a way that no undue delays are caused by SEPA compliance. The purposes of SEPA are best served by consideration of environmental factors early in the pre–planning stages.

(2) The primary purpose of the EIS process is to provide environmental information to governmental decision makers to be considered prior to making their decision. The process should thus be completed before the decisions of an agency commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. All agencies shall identify the times at which the EIS process must be completed either in their guidelines or on a case–by–case basis. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(3) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(4) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a nonproject nature, and the proponent of the major action is also the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal.

(5) The environmental checklist should normally be completed when an application is found to be nonexempt. In order to conserve time and avoid misunderstandings, the first agency contact person should make the "action" and "exemption" determinations and assist the applicant in completing the checklist. If exempt status is questionable, a checklist should be completed and the supervisor consulted.

(6) In most cases the time required to complete a threshold determination should not exceed fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the responsible official shall transmit to the private applicant a written statement as to the expected date of decision.

(7) A consulted agency shall have a maximum of thirty–five days from the date of listing of the proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the lead agency. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen–day extension may be granted by the lead agency. Extensions may not be granted for any other purpose.

(8) There shall be allowed a period of thirty–five days from the date of the listing of the proposal in the "EIS Available Register" for the public to forward to the lead agency any comments upon or substantive information related to the proposal and the draft EIS.

(9) The lead agency shall prepare a final EIS within seventy–five days of the listing of the proposal in the "EIS Available Register." The lead agency may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex.

(10) The department shall not take any final action on a project for which an EIS has been required, prior to seven days from the issuance of the final EIS and its listing in the "EIS Available Register" maintained at the department's SEPA information center. [Order DE 76–12, § 173–800–060, filed 5/14/76.]

WAC 173–800–070 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. (1) The proposal considered by the department during the lead agency determination procedure, and during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) hereof is applicable. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) hereof is applicable.

(2) The total proposal is the proposed action, together with all proposed activity which is functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates operation of the present proposal or is necessary thereto; or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the lead agency. The fact that future impacts of a proposal will require future governmental approvals shall not be a bar to their present consideration, so long as the plans for those future elements are sufficiently specific to allow some evaluation of their potential environmental impacts. Acting agencies and lead agencies should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future. (For example, in a proposal for a plat approval, another agency with jurisdiction may be the appropriate sewer district, even though installation of sewers may not occur until several years later.)

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, consideration of impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. (For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects.) Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some casual connection between such development and one or more of the governmental decisions necessary for the proposal in question.

(4) Proposals involving extensive future actions may be divided, at the option of the lead agency, into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection shall not be applied at the threshold determination to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied so as to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network,

the department may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network itself, and shall not be made merely to divide a larger system into exempted fragments. [Order DE 76–12, § 173–800–070, filed 5/14/76.]

WAC 173–800–080 Summary of information which may be required of a private applicant. (1) There are three areas of these guidelines where the department may require information from a private applicant. These are:

(a) Environmental checklist;

(b) Threshold determination; and,

(c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental Checklist. A private applicant is required to complete an environmental checklist, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini–EIS" at this stage.

(3) Threshold Determination. The responsible official shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, he determines as a result of its initial review that the information available is not reasonably sufficient to determine the environmental impacts of the proposal, he may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the responsible official, information accessible to him is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and Final EIS.

(a) The department shall normally prepare its own draft and final impact statements. In so doing, it may require the applicant to provide information not in the possession of the department. This may include a requirement that the applicant conduct specific investigations.

The applicant shall not be required to provide information reasonably available from other agencies with expertise. The applicant shall not be unduly burdened financially, however, in the interest of efficiency, the applicant is encouraged to provide as much information as he desires.

(b) The situation may arise in which the department, because of its commitments, is unable to prepare the draft and/or final EIS on a local agency transfer. In this case, the applicant shall be provided a letter outlining the situation and will be provided the option of the following impact statement preparation method:

(i) Applicant posts a mutually agreed upon bond with the department.

(ii) The department retains a mutually agreed upon and independent outside party to prepare the document.

(iii) The outside party prepares the document under the supervision of the department responsible official.

(iv) The outside party is paid from the posted bond. The applicant is provided an itemized accounting and the remaining balance of the bond.

(c) Private applicants shall be encouraged to cooperate in the impact statement preparation process. The results of a cooperative effort can be a better, more acceptable project, and a more expeditious handling of the application. [Order DE 76–12, § 173–800–080, filed 5/14/76.]

WAC 173–800–090 No presumption of significance for nonexempt actions. No presumption as to the significance of the impacts upon the environment shall be given to any proposed action merely because it was not exempted. [Order DE 76–12, § 173–800–090, filed 5/14/76.]

WAC 173–800–100 Categorical exemptions. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these guidelines:

(1) **Minor new construction.** The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all governmental licenses required to undertake the construction in question, except rezones or any license governing emissions to the air or water:

(a) The construction of any residential structure of four dwelling units or less.

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feedlots.

(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of floor area, and with associated parking facilities designed for twenty automobiles or less.

(d) The construction or designation of bus stops, loading zones, shelters, access facilities and pull–out lanes for taxicabs, transit and school vehicles.

(e) The construction and/or installation of commercial on–premise signs, and public signs and signals.

(f) The construction or installation of minor road and street improvements such as pavement marking, freeway

surveillance and control systems, railroad protective devices (not including grade separated crossings), grooving, glare screen, safety barriers, energy attenuators, highway landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right-of-way weed control), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including minor widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(g) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(h) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(i) The construction of a parking lot designed for twenty automobiles or less.

(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under chapter 200, Laws of 1975 ex. sess., or regulations promulgated thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(k) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(l) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(m) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(n) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) **Water rights.** The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(3) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) Fire department, police patrol and traffic law enforcement except where such involves any physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety: *Provided*, That no open burning shall be exempted under this subsection, nor shall the application of any pesticide or chemical. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating and safety codes, but not including building permits.

(c) Licenses to operate amusement devices and entertainment carnivals, circuses and other traveling shows, dances, music machines and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses required for permanent construction of any of the above.

(d) Licenses for solicitation or door-to-door sales, private security and detective services, and taxicabs and other vehicles for hire: *Provided*, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(e) Licenses for close-out sales.

(f) Licenses for food or drink services, sales and distribution.

(g) Licenses for the sale or display of fireworks.

(h) Animal control licenses.

(i) The renewal or reissuance of a license regulating any present activity or structure that was either exempted under this chapter, or the subject of a declaration of nonsignificance or an EIS, so long as no material changes have occurred since the determination of exemption, or completion of the prior declaration or EIS.

(6) **Activities of the legislature.** All actions of the state legislature are hereby exempted: *Provided*, That this subsection shall not be construed to exempt the proposing of legislation by any agency.

(7) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services previously authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: *Provided*, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(8) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(9) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property by an agency.

(b) The sale, transfer or exchange of any publicly owned real property by an agency to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use.

(c) The lease of real property by an agency to a private individual or entity, or to an agency or federal agency, only when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(10) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivision or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density,

(c) Classification of land for current use taxation pursuant to chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(11) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

(12) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(13) **Variances under Clean Air Act.** The granting of variances pursuant to RCW 70.90.181 [70.94.181] extending applicable air pollution control requirements for one year or less shall be exempt.

(14) **Burning permits.** The issuance, revocation or suspension of permits for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting the issuance of burning permits shall not be exempt.

(15) **Water quality certifications.** The granting or denial of water quality certifications pursuant to the federal water pollution control act amendments of 1972 (33 USC § 1341) shall be exempt.

(16) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

(17) **Information collection and research.** Proposals for basic data collection, research, resource evaluation and the conceptual planning or proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any agency action which commits the agency to proceed with the proposal.

(18) **Utilities.** The utility-related actions listed below shall be exempt: *Provided*, That installation, construction or alterations on land covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when repaired by other governmental bodies, together with repair, replacement, maintenance, operation or alteration by an agency or private entity which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: *Provided*, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or highway right–of–way in its design condition: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel.

(g) All grants of franchises by agencies to utilities.

(h) All disposals of rights–of–way by utilities.

(i) All grants of rights–of–way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(19) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III and IV forest practices as defined by chapter 200, Laws of 1975 ex. sess., or regulations promulgated thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all–terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel.

(j) Issuance of rights–of–way, easements and use permits to use existing public roads in nonresidential areas.

(20) **Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197–10–170 and 197–10–180.

(21) **Nonactions.** Proposals for activities which are not "actions" as defined in WAC 197–10–040(2) are not subject to the threshold determination and EIS requirements of this chapter. [Order DE 76–12, § 173–800–100, filed 5/14/76.]

WAC 173–800–105 Exemptions applicable to other agencies. In performing its functions under this chapter, the department shall recognize and give effect to WAC 197–10–175 which established exemptions specific to other agencies. [Order DE 76–12, § 173–800–105, filed 5/14/76.]

WAC 173–800–110 Exemptions and nonexemptions specifically applicable to the department. (1) Exemptions are established in this section which relate only to the specific activities identified within the department. The exemptions of this section are in addition to the general exemptions of WAC 173–800–100 and 173–800–120 which apply to all agencies, unless the general exemptions are specifically made inapplicable by this section. For exemptions specific to other agencies, WAC 197–10–175 should be consulted. The following department activities are exempt:

(a) The issuance of any waste discharge permit which incorporates without change effluent limitations established by federal regulations adopted under the federal water pollution control act (33 USC § 1251, *et seq.*), except for permits authorizing new source discharges.

(b) Review of comprehensive solid waste management plans pursuant to RCW 70.95.100 and 70.95.110. [Order DE 76–12, § 173–800–110, filed 5/14/76.]

WAC 173–800–120 Exemption for emergency actions. Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. [Order DE 76–12, § 173–100–120 (codified as WAC 173–800–120), filed 5/14/76.]

WAC 173–800–140 Sensitive areas. In its actions, the department shall respect "environmentally sensitive areas" and their modified exemption criteria which have been adopted and displayed by local governments pursuant to WAC 197–10–177. [Order DE 76–12, § 173–800–140, filed 5/14/76.]

WAC 173–800–145 Use and effect of categorical exemptions. (1) Those activities excluded from the definition of "action" or categorically exempted are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and 43.21C.030(2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a proposal includes a series of actions, physically or functionally related to each other, some of which

are categorically exempt and some of which are not, the proposal is not exempt.

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 173-800-060. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the department irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. [Order DE 76-12, § 173-800-145, filed 5/14/76.]

WAC 173-800-150 Lead agency——Responsibilities. (1) When the department is the lead agency, it shall be the only agency responsible for complying with the threshold determination procedures and shall be responsible for the supervision, or actual preparation, of draft EISs including the circulation of such statements, and the conduct of any public hearings required by this chapter. It shall also prepare or supervise preparation of any required final EIS.

(2) When another agency is the lead agency, that agency shall complete the threshold determination and be responsible for any required EIS. The department shall utilize without change a declaration of nonsignificance or an EIS prepared by a lead agency, except as modification thereto is authorized by this chapter. [Order DE 76-12, § 173-800-150, filed 5/14/76.]

WAC 173-800-160 Determination of lead agency——Procedures. (1) The first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, shall determine the lead agency for that proposal. To ensure that the lead agency is determined early, agencies shall determine the lead agency for all proposals for a major action they receive, unless the lead agency has been previously determined or the agency receiving the proposal is aware that another agency is in the process of determining the lead agency.

(2) If the department determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 197-10-260.

(3) If the department determines that it is the lead agency, it shall immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The department shall then proceed, as the lead agency, to the threshold determination procedure. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 173-800-260.

(4) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, an acting agency must determine to the best of its ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the environmental coordination procedures act of 1972 (ECPA). [Order DE 76-12, § 173-800-160, filed 5/14/76.]

WAC 173-800-170 Lead agency designation——Governmental proposals. The lead agency for all proposals initiated by an agency shall be the agency making the proposal. In the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will assume the status of lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity. [Order DE 76-12, § 173-800-170, filed 5/14/76.]

WAC 173-800-180 Lead agency designation——Proposals involving both private and public construction activity. When the total proposal will involve both private and public construction activity, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined pursuant to WAC 173-800-170. [Order DE 76-12, § 173-800-180, filed 5/14/76.]

WAC 173-800-190 Lead agency designation——Private projects for which there is only one agency with jurisdiction. For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction. [Order DE 76-12, § 173-800-190, filed 5/14/76.]

WAC 173-800-200 Lead agency designation——Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. For proposals for private projects which require licenses from more than one agency when at least one of the agencies requiring a license is a county/city, the lead agency shall be the county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county. [Order DE 76-12, § 173-800-200, filed 5/14/76.]

WAC 173-800-210 Lead agency designation—— Private projects requiring licenses from more than one state agency. (1) For private projects which require licenses from more than one state agency, but require no license from a county/city, the lead agency shall be one of the state agencies requiring a license, based upon the following order of priority:

(a) Department of ecology.
(b) Department of social and health services.
(c) Department of natural resources.
(d) Department of fisheries.
(e) Department of game.
(f) Utilities and transportation commission.
(g) Department of motor vehicles.
(h) Department of labor and industries.

(2) For private projects requiring a license from more than one state agency, but requiring no license from a county/city, and when none of the state agencies requiring a license is on the above list, the lead agency shall be the licensing agency which has the largest biennial appropriation.

(3) When, due to the provision of subsection (1) of this section, an agency would be the lead agency solely because of its involvement in a program jointly administered with another agency, the other agency shall be designated the lead agency for proposals for which it is primarily responsible under agreements previously made between the two agencies for joint operation of the program. [Order DE 76-12, § 173-800-210, filed 5/14/76.]

WAC 173-800-220 Lead agency designation—— Specific proposals. Notwithstanding the lead agency designation criteria contained in WAC 173-800-170 through 173-800-210, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to thermal power plants for which certification is required under chapter 80.50 RCW, the lead agency shall be the thermal power plant site evaluation council: *Provided*, That for any public project requiring such certification and for which the study authorized by RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the utilization of geothermal resources subject to chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee pursuant to chapter 78.52 RCW, the lead agency shall be the department of natural resources, except that for projects subject to RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For all private activity requiring a license or approval under the forest practices act of 1974, chapter 76.04 RCW, the lead agency shall be the department of natural resources: *Provided*, That for any proposal which will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question: *Provided*, That this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the environmental coordination procedures act of 1973 (ECPA), chapter 90.62 RCW, the lead agency shall be determined by the department using the standards of these guidelines; except that when county/city licenses are applied for prior to filing the ECPA application, a lead agency shall be determined pursuant to the standards of these guidelines prior to granting such county/city licenses.

(7) For private projects which require the issuance of a national pollutant discharge elimination system (NPDES) permit under § 402 of the federal water pollution control act (33 USC § 1251, *et seq.*), for a pulp or paper mill or oil refinery, processing less than 25,000 barrels per day, the lead agency shall be the department.

(8) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency shall be the department.

(9) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by at least ten thousand but not more than 25,000 barrels per day, the lead agency shall be the department.

(10) For proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent or more of design capacity, the lead agency shall be the department. [Order DE 76-12, § 173-800-220, filed 5/14/76.]

WAC 173-800-230 Local agency transfer of lead agency status to a state agency. For a proposal for a private project where a city or town with a population of under five thousand or a county of fifth-through-ninth class would be the lead agency pursuant to the designation criteria of WAC 173-800-180 through 173-800-220, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in WAC 173-800-210. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal. [Order DE 76-12, § 173-800-230, filed 5/14/76.]

WAC 173-800-240 Agreements as to lead agency status. Nothing herein shall prohibit an agency from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction. [Order DE 76-12, § 173-800-240, filed 5/14/76.]

WAC 173-800-250 Agreements between agencies as to division of lead agency duties. Two or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved shall designate one of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these guidelines. Other agencies with jurisdiction shall be notified of the agreement and determination of the nominal lead agency. [Order DE 76-12, § 173-800-250, filed 5/14/76.]

WAC 173-800-260 Dispute as to lead agency determination——Resolution by CEP. (1) In the event that the agencies with jurisdiction are unable to determine which agency is the lead agency under these guidelines, any agency with jurisdiction may petition CEP for such determination. Such petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. Any such petition shall be filed with CEP within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any private applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with CEP a written response to the petition within ten days of the date of the initial filing.

(2) Within fifteen days of receipt of a petition, CEP shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. CEP shall make its determination in accordance with these guidelines; or in the event the guidelines do not control, the lead agency shall be the agency whose action, license, or licenses will have the greatest effect on the environment. [Order DE 76-12, § 173-800-260, filed 5/14/76.]

WAC 173-800-270 Assumption of lead agency status by another agency with jurisdiction. When there has been an assumption of lead agency status by another agency with jurisdiction over a proposal, pursuant to WAC 173-800-345, the lead agency responsibilities regarding threshold determination procedures transfer to the new lead agency. [Order DE 76-12, § 173-800-270, filed 5/14/76.]

WAC 173-800-280 Individuals making SEPA-related determinations. Within the department, all SEPA-related determinations, with the exception of the initial identification of "action" and "exemption," are designated the responsibility of the responsible official. The "action" and "exemption" decisions may be made by the first departmental official contacted. In the interest of uniform SEPA compliance and decision-making, the responsible official should seek advice and counsel from the environmental review unit of the department. [Order DE 76-12, § 173-800-280, filed 5/14/76.]

WAC 173-800-300 Environmental checklist. (1) The form in subsection (2) hereof is the environmental checklist. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 173-800-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is supplementary thereto.

(2) Environmental checklist form:

Introduction: The state environmental policy act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the State of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent _____
2. Address and Phone Number of Proponent:
   _____
   _____
   _____
3. Date Checklist Submitted _____
4. Agency Requiring Checklist _____

5. Name of Proposal, if applicable:
---

6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):

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7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):

---

8. Estimated Date for Completion of the Proposal:
---

9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local——including rezones):

---

10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

---

11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:

---

12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the nature of such application form:

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

	Yes	Maybe	No
(1) **Earth.** Will the proposal result in:			
(a) Unstable earth conditions or in changes in geologic substructures?	---	---	---
(b) Disruptions, displacements, compaction or overcovering of the soil?	---	---	---
(c) Change in topography or ground surface relief features?	---	---	---
(d) The destruction, covering or modification of any unique geologic or physical features?	---	---	---
(e) Any increase in wind or water erosion of soils, either on or off the site?	---	---	---
(f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	---	---	---

Explanation: ---
---

(2) **Air.** Will the proposal result in:			
(a) Air emissions or deterioration of ambient air quality?	---	---	---
(b) The creation of objectionable odors?	---	---	---
(c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	---	---	---

Explanation: ---
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(3) **Water.** Will the proposal result in:			
(a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	---	---	---
(b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	---	---	---
(c) Alterations to the course or flow of flood waters?	---	---	---
(d) Change in the amount of surface water			

	Yes	Maybe	No
in any water body?	---	---	---
(e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	---	---	---
(f) Alteration of the direction or rate of flow of ground waters?	---	---	---
(g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	---	---	---
(h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters?	---	---	---
(i) Reduction in the amount of water otherwise available for public water supplies?	---	---	---

Explanation: ---

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(4) **Flora.** Will the proposal result in:

(a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)?	---	---	---
(b) Reduction of the numbers of any unique, rare or endangered species of flora?	---	---	---
(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	---	---	---
(d) Reduction in acreage of any agricultural crop?	---	---	---

Explanation: ---

	Yes	Maybe	No
(5) **Fauna.** Will the proposal result in:			
(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	---	---	---
(b) Reduction of the numbers of any unique, rare or endangered species of fauna?	---	---	---
(c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	---	---	---
(d) Deterioration to existing fish or wildlife habitat?	---	---	---

Explanation: ---

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(6) **Noise.** Will the proposal increase existing noise levels?	---	---	---

Explanation: ---

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(7) **Light and Glare.** Will the proposal produce new light or glare?	---	---	---

Explanation: ---

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(8) **Land Use.** Will the proposal result in the alteration of the present or planned land use of an area?	---	---	---

Explanation: ---

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(9) **Natural Resources.** Will the proposal result in:			
(a) Increase in the rate of use of any natural resources?	---	---	---
(b) Depletion of any nonrenewable natural resource?	---	---	---

	Yes	Maybe	No
Explanation: ----------			
----------			
(10) **Risk of Upset.** Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	---	---	---
Explanation: ----------			
----------			
(11) **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	---	---	---
Explanation: ----------			
----------			
(12) **Housing.** Will the proposal affect existing housing, or create a demand for additional housing?	---	---	---
Explanation: ----------			
----------			
(13) **Transportation/Circulation.** Will the proposal result in:			
(a) Generation of additional vehicular movement?	---	---	---
(b) Effects on existing parking facilities, or demand for new parking?	---	---	---
(c) Impact upon existing transportation systems?	---	---	---
(d) Alterations to present patterns of circulation or movement of people and/or goods?	---	---	---
(e) Alterations to waterborne, rail or air traffic?	---	---	---
(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	---	---	---
Explanation: ----------			
----------			
(14) **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
(a) Fire protection?	---	---	---
(b) Police protection?	---	---	---
(c) Schools?	---	---	---
(d) Parks or other recreational facilities?	---	---	---
(e) Maintenance of public facilities, including roads?	---	---	---
(f) Other governmental services?	---	---	---
Explanation: ----------			
----------			
(15) **Energy.** Will the proposal result in:			
(a) Use of substantial amounts of fuel or energy?	---	---	---
(b) Demand upon existing sources of energy, or require the development of new sources of energy?	---	---	---
Explanation: ----------			
----------			
(16) **Utilities.** Will the proposal result in a need for new systems, or alterations to the following utilities:			
(a) Power or natural gas?	---	---	---
(b) Communications systems?	---	---	---
(c) Water?	---	---	---
(d) Sewer or septic tanks?	---	---	---
(e) Storm water drainage?	---	---	---
(f) Solid waste and disposal?	---	---	---

	Yes	Maybe	No
Explanation: ----------			
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(17) **Human Health.** Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)?	---	---	---
Explanation: ----------			
----------			
(18) **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	---	---	---
Explanation: ----------			
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(19) **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	---	---	---
Explanation: ----------			
----------			
(20) **Archaeological/Historical.** Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?	---	---	---
Explanation: ----------			

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of nonsignificance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: ----------

[Order DE 76–12, § 173–800–300, filed 5/14/76.]

WAC 173–800–310 Environmental checklist procedures. The form contained in WAC 173–800–300 shall be completed by the applicant for a nonexempt action. The department shall attempt to minimize any burden upon the applicant by (a) assisting him in the preparation of the checklist with a particular goal of initial adequacy; (b) seeking to identify any other agency that may require a checklist; (c) if the applicant agrees that an EIS is appropriate, omitting the checklist. [Order DE 76–12, § 173–800–310, filed 5/14/76.]

WAC 173–800–320 Threshold determination procedures——Initial review of environmental checklist. (1) The responsible official shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the responsible official shall independently evaluate each item on the checklist and indicate thereon the results of this evaluation.

(2) After completing the initial review of the environmental checklist, the responsible official shall apply the criteria of WAC 173–800–070 and 173–800–360. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the responsible official shall initiate the negative threshold determination procedures of WAC 173–800–340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the responsible official shall initiate the EIS preparation procedures; or,

(c) There is not sufficient information available to reasonably make a determination of the environmental significance of the proposal; in which case, he shall implement one or more of the information gathering mechanisms in WAC 173–800–330. [Order DE 76–12, § 173–800–320, filed 5/14/76.]

WAC 173–800–330 Threshold determination procedures——Information in addition to checklist. (1) The threshold determination must be based upon information reasonably sufficient to determine the environmental impact of a proposal. In the event that the responsible official determines the information available to him is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information shall be limited to those categories on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The lead agency may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The lead agency may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Agencies so consulted shall respond in accordance with the requirements of WAC 173–10–500 though 173–10–540.

(2) When, during the course of collecting further information on a proposal, the lead agency obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall immediately make the threshold determination. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared. [Order DE 76-12, § 173-800-330, filed 5/14/76.]

WAC 173-800-340 Threshold determination procedures——Negative declarations. (1) In the event the responsible official determines a proposal will not have a significant adverse impact on the quality of the environment, he shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 173-800-355.

(2) The lead agency shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) below.

(3) A lead agency making a threshold determination of nonsignificance for any of the following proposals shall prepare a proposed declaration of nonsignificance, and comply with the requirements of subsection (4) through (6) below prior to taking any further action on the proposal:

(a) Proposals for which there is another agency with jurisdiction.

(b) Proposals involving demolition of any structure or facility not exempted.

(c) Proposals involving issuance of clearing or grading permits not exempted.

(4) The responsible official shall list all proposed declarations of nonsignificance in the "Proposed Declaration of NonSignificance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the responsible official and transmitted to any other agencies with jurisdiction and to the SEPA public information center of the department.

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the department within fifteen days from the date of its listing in the register. The department shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of its listing in the register. If comments are received, the department shall reconsider its proposed declaration in light thereof; however, the department is not required to modify its proposed declaration of nonsignificance to reflect the comments received thereon.

(6) After the fifteen-day time period has elapsed, and after considering any comments, the department shall either adopt its proposed declaration as a "Final Declaration of NonSignificance," or determine that the proposal is significant, or utilize the additional information-gathering mechanisms of WAC 173-800-330(1).

(7) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities. [Order DE 76-12, § 173-800-340, filed 5/14/76.]

WAC 173-800-345 Assumption of lead agency status by another agency with jurisdiction over a proposal——Prerequisites, effect and form of notice. (1) Notwithstanding other lead agency determination criteria, an agency with jurisdiction over a proposal, upon review of a proposed declaration of nonsignificance, may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." Such form of notice shall be substantially similar to that described in subsection (4) below. Assumption of lead agency status, if it is to occur, shall take place within fifteen days of the listing of the proposal in the "Proposed Declaration of NonSignificance Register."

(2) An agency with jurisdiction over a proposal, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the lead agency and any other information possessed by the agency with jurisdiction relative to the matters contained in the environmental checklist.

(3) As a result of the transmittal of a completed form of the notice contained in subsection (4) below and attached declaration of significance, the consulted agency with jurisdiction shall become the "new" lead agency and shall begin preparation of a draft EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal ----------

Proponent ----------

Location of Proposal ----------

Initial Lead Agency ----------

New Lead Agency ----------

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated ----------. A review of the information relative to the environmental checklist has been made by the new lead agency and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official _____

Position/Title _____

Address/Phone _____

Date _____ Signature _____

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. A copy of the notice shall be retained in the new lead agency's SEPA public information center.

(6) Agencies with jurisdiction may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. No agency shall be deemed to have assumed lead agency status pursuant to this section unless a notice substantially in the form of subsection (4) hereof is completed and transmitted by that agency. The decision of any agency with jurisdiction to not assume lead agency status pursuant to this section shall create no new legal obligation upon that agency. [Order DE 76–12, § 173–800–345, filed 5/14/76.]

WAC 173–800–350 Affirmative threshold determination. (1) In the event the responsible official determines that the proposal will have a significant adverse effect upon the quality of the environment, he shall prepare a declaration of significance using the form in WAC 173–800–355 which shall be retained in the files of the department. The department shall then list the proposal in the "EIS in Preparation Register" maintained at its SEPA public information center, and then begin the EIS preparation procedures.

(2) After the additional information gathering mechanisms of WAC 173–800–330 have been utilized, and when there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, the procedure contained in subsection (1) above shall also be followed. [Order DE 76–12, § 173–800–350, filed 5/14/76.]

WAC 173–800–355 Form of declaration of significance/nonsignificance. (1) A declaration in the form set forth in subsection (2) of this section shall be used for all declarations of significance and proposed and final declarations of nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 173–800–330, and maintained in the files of the department. The form without the attachments shall also be retained in the department's SEPA public information center for one year after issuance.

(2) The form is as follows:

FORM FOR (PROPOSED/FINAL)
DECLARATION
OF (SIGNIFICANCE/NON–SIGNIFICANCE)

Description of proposal _____

Proponent _____

Location of Proposal _____

Lead Agency _____

This proposal has been determined to (have/not have) a significant adverse impact upon the environment. An EIS (is/is not) required under RCW 43.21C.030(2)(c). This decision was made after review by the department of a completed environmental checklist and other information on file with it.

Responsible Official _____

Position/Title _____

Date _____ Signature _____

(3) If the form is for a declaration of environmental significance, the responsible official may add to the information contained in subsection (2) of this section, a listing of those environmental impacts which led to his declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that he would withdraw his declaration and issue a (proposed/final) declaration of nonsignificance. [Order DE 76–12, § 173–800–355, filed 5/14/76.]

WAC 173–800–360 Threshold determination criteria——Application of environmental checklist. (1) The responsible official shall apply the questions in the environmental checklist to the total proposal, including its indirect effects, to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed therein shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. It is probable there will be affirmative answers to several of these questions while the proposal would still not necessarily have a significant adverse impact; however, a single affirmative answer could indicate a significant adverse impact, depending upon the nature of the impact and location of the proposal. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The responsible official shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the responsible official has utilized the additional information–gathering mechanisms of WAC 173–800–330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the

beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the department or by the private applicant are required when the information available to the responsible official is not sufficient for him to make a determination of the potential adverse environmental impacts. It is expected, however, that many proposals can be evaluated entirely through an office review of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner. [Order DE 76-12, § 173-800-360, filed 5/14/76.]

WAC 173-800-370 Withdrawal of affirmative threshold determination. If at any time after the entry of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the responsible official, all significant adverse environmental impacts resulting therefrom are eliminated, the declaration of significance shall be withdrawn and a declaration of nonsignificance entered instead. The department shall also revise the registers at its SEPA public information center accordingly. If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification. [Order DE 76-12, § 173-800-370, filed 5/14/76.]

WAC 173-800-375 Withdrawal of negative threshold determination. (1) Except after a nonexempt license has been issued for a private project, the responsible official may withdraw any proposed or final declaration of nonsignificance when new information becomes available to him indicating that the proposal may have significant adverse environmental impacts.

(2) The responsible official may withdraw any proposed or final declaration of nonsignificance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the responsible official shall immediately reevaluate the proposal and make a revised threshold determination.

(4) Whenever a final declaration of nonsignificance has been withdrawn for one of the reasons in subsection (2) hereof, and the responsible official upon re-evaluation determines that the proposal will have significant adverse environmental impacts, agencies with jurisdiction shall initiate procedures to suspend, modify or revoke, as appropriate, any nonexempt licenses issued for the proposal until compliance with the procedures of these guidelines is met. [Order DE 76-12, § 173-800-375, filed 5/14/76.]

WAC 173-800-380 Threshold determination appeal procedures. (1) In the event that the threshold determination results in a written appeal within 15 calendar days from listing in the appropriate register, the following procedures shall be followed:

(a) The responsible official shall review his decision with particular emphasis on the areas of appeal. He may request further information of the applicant. The decision of the responsible official shall be in writing with copies to the project file, the applicant, and the protestor.

(b) If deemed fit, the responsible official may bring the appeal to the deputy director. The resulting decision shall be final and circulated as in (a) above.

(2) The responsible official should attempt to act upon an appeal within one week of receipt. If more time is required, the applicant should be advised in writing of the anticipated schedule. [Order DE 76-12, § 173-800-380, filed 5/14/76.]

WAC 173-800-390 Statute of limitation. The responsible official should examine the option of following the procedures of RCW 43.21C.080, 43.21C.085, and 43.21C.087 to qualify for the statute of limitations concerning SEPA compliance. This procedure is activated by the actual execution of the subject action (i.e., issuance of permit or approval). [Order DE 76-12, § 173-800-390, filed 5/14/76.]

WAC 173-800-400 Duty to begin preparation of a draft EIS. After compliance with WAC 173-800-350, relating to preparation of a declaration of significance and the listing of the proposal in the "EIS in Preparation Register," the responsible official shall prepare the draft and final EIS. [Order DE 76-12, § 173-800-400, filed 5/14/76.]

WAC 173-800-405 Purpose and function of a draft EIS. (1) The principal purpose of the draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the lead agency from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the lead agency any issue of potential environmental concern which

should be explored by the lead agency prior to the issuance of a final EIS. [Order DE 76–12, § 173–800–405, filed 5/14/76.]

WAC 173–800–410 Predraft consultation procedures. (1) Predraft consultation is consultation by the lead agency with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the lead agency when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the lead agency.

(2) Predraft consultation is commenced when the lead agency sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal in the possession of the lead agency.

(b) A copy of the environmental checklist as reviewed.

(c) Any information in addition to the checklist resulting from application of WAC 173–800–330.

(d) Any other information deemed relevant to the proposal by the lead agency such as:

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

(3) Agencies so consulted will have forty–five days from receipt of the packet to respond in writing to the lead agency. The required contents of the consulted agency response are governed by WAC 173–800–500 through 173–800–540.

(4) The lead agency shall incorporate the relevant information received from other agencies during the predraft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the lead agency disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the lead agency. The information required by this subsection may be placed wherever in the draft EIS the lead agency deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section. [Order DE 76–12, § 173–800–410, filed 5/14/76.]

WAC 173–800–420 Preparation of EIS by persons outside the lead agency. (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the lead agency. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with the provisions of these guidelines and the guidelines of the lead agency.

(2) An EIS may be prepared by a private applicant or agent thereof, or by an outside consultant retained by either a private applicant or the lead agency. In such case, the responsible official within the lead agency shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) If a person other than the lead agency is preparing the EIS, the responsible official will coordinate any predraft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which are relevant to the subject matter of the EIS, pursuant to chapter 42.17 RCW (Public Disclosure and Public Records Law; Initiative 276, 1973).

(4) Private applicants shall be encouraged to participate in the preparation of the EIS; however, the final authority over content shall be that of the responsible official.

(5) No private applicant shall be required to participate in the preparation of an EIS except when consistent with the guidelines of the lead agency. A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS. [Order DE 76–12, § 173–800–420, filed 5/14/76.]

WAC 173–800–425 Organization and style of a draft EIS. (1) The required contents of a draft EIS for proposals of both a project and nonproject nature are set forth in WAC 173–800–440. The contents of a draft EIS prepared pursuant to that section shall be organized as set forth in subsections (2) and (3) of this section.

(2) Each draft EIS shall begin with an introduction, table of contents, distribution list, summary, and a description of the proposed action. The information contained in each section shall conform to the applicable requirements set forth in WAC 173–800–440(1) through 173–800–440(6). Organization variation is not permitted for these portions of the draft EIS.

(3) The organization and style of the remaining content of the EIS may be varied, at the option of the lead agency, from the format set forth in WAC 173–800–440(7) through 173–800–440(14): *Provided*, That all of the subject matters required by WAC 173–800–440 shall be contained somewhere within the draft EIS.

(4) The responsible official who prepares a draft EIS should keep in mind that the purpose of a draft EIS is to aid decision–makers in considering the significant environmental impacts of their decisions. This purpose is not served by EISs which are excessively detailed and overly technical. Clarity and conciseness of presentation are of crucial importance in ensuring that EISs prepared under these guidelines are considered and actually utilized in decision–making processes. [Order DE 76–12, § 173–800–425, filed 5/14/76.]

WAC 173-800-440 Contents of a draft EIS. (1) The following subsections set forth the required contents of a draft EIS: *Provided*, That where an agency is preparing a draft EIS in order to satisfy the requirement of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to those set forth below, then the contents of the draft EIS may be expanded as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be succinctly set forth at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication.

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The lead agency is to bear in mind that agencies other than the lead agency may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the various subject areas. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. In most cases, it is expected that the summary will run two to five pages; but it shall not be more than ten pages. The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be effectuated by the applicant, lead agency, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: *Provided*, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction over a period of time, the timing of each construction phase should be identified; and if it is anticipated that later phases of the proposal will require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts later discussed, with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in agency files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the lead agency has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 173-800-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided; rather, emphasis should be placed upon those species and habitats which may be significantly affected.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 173–800–444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 173–800–444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) above shall be examined and discussed (for example, cumulative and growth–inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short–term uses of man's environment and maintenance and enhancement of long–term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade–offs between short–term gains at the expense of long–term environmental losses.

(i) The phrases "short–term" and "long–term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long–term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and nonrenewable materials, which will be committed by the proposal on a permanent or long–term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable alterations to the proposal which may result in avoiding, mitigating or reducing the risk of occurrence of any adverse impacts upon the environment.

(b) Energy conservation measures, including more efficient utilization of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) above shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no–action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) In those instances where the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no–action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided by modifications to the project.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) [Optional] A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) Other issues. A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 173-800-444, but which are relevant to the proposal, shall be identified. The section shall be limited to a brief identification of such problems or issues. [Order DE 76-12, § 173-800-440, filed 5/14/76.]

WAC 173-800-442 Special considerations regarding contents of an EIS on a nonproject action. (1) The requirements of WAC 173-800-440 apply to the contents of a draft EIS on a proposal for a nonproject action. The department, however, has greater flexibility in its approach to achieving compliance with the requirements of WAC 173-800-440 in writing an EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The department should be alert to the fact that it is in the development and review of proposals for nonproject actions where the range of alternatives is typically more broad than that of a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of an agency's proposal should be stated as "the facilitation of the movement of people from point A to point B" rather than "the widening of an urban arterial in order to accommodate additional privately owned passenger vehicles." [Order DE 76-12, § 173-800-442, filed 5/14/76.]

WAC 173-800-444 List of elements of the environment. (1) Every EIS shall have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The responsible official shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing.

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

(a) Earth.
(i) Geology.
(ii) Soils.
(iii) Topography.
(iv) Unique physical features.
(v) Erosion.
(vi) Accretion/avulsion.
(b) Air.
(i) Air quality.
(ii) Odor.
(iii) Climate.
(c) Water.
(i) Surface water movement.
(ii) Runoff/absorption.
(iii) Floods.
(iv) Surface water quantity.
(v) Surface water quality.
(vi) Ground water movement.
(vii) Ground water quantity.
(viii) Ground water quality.
(ix) Public water supplies.
(d) Flora.
(i) Numbers or diversity of species.
(ii) Unique species.
(iii) Barriers and/or corridors.
(iv) Agricultural crops.
(e) Fauna.
(i) Numbers or diversity of species.
(ii) Unique species.
(iii) Barriers and/or corridors.
(iv) Fish or wildlife habitat.
(f) Noise.
(g) Light and glare.
(h) Land use.
(i) Natural resources.
(i) Rate of use.
(ii) Nonrenewable resources.
(j) Risk of explosion or hazardous emissions.

(3) ELEMENTS OF THE HUMAN ENVIRONMENT.

(a) Population.
(b) Housing.
(c) Transportation/circulation.
(i) Vehicular transportation generated.
(ii) Parking facilities.
(iii) Transportation systems.
(iv) Movement/circulation of people or goods.
(v) Waterborne, rail and air traffic.
(vi) Traffic hazards.
(d) Public services.
(i) Fire.
(ii) Police.
(iii) Schools.
(iv) Parks or other recreational facilities.
(v) Maintenance.
(vi) Other governmental services.
(e) Energy.
(i) Amount required.
(ii) Source/availability.
(f) Utilities.
(i) Energy.
(ii) Communications.
(iii) Water.
(iv) Sewer.
(v) Storm water.
(vi) Solid waste.
(g) Human health (including mental health).
(h) Aesthetics.
(i) Recreation.
(j) Archaeological/historical.
(k) Economic. This does not imply a requirement that the applicant reveal financial information that he considers proprietary but rather a part of the EIS where general economic advantages and disadvantages may be discussed. The applicant should be encouraged to participate.

(l) The responsible official may decide to add "social and cultural" to *Elements of the Human Environment* as appropriate.

(4) "Additional population characteristics" shall be covered in all EISs, either by being discussed or marked "N/A," but shall not be considered part of the environment for other purposes. This shall include distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal. [Order DE 76-12, § 173-800-444, filed 5/14/76.]

WAC 173-800-450 Public awareness of availability of draft EIS. (1) Upon publication of the draft EIS, the responsible official shall list the proposal in the department's "EIS Available Register" maintained at the department's SEPA public information center.

(2) The responsible official is encouraged, but not required, to use any reasonable method calculated to inform the public of the availability of the draft EIS and of the procedures for requesting a public hearing. Examples of such methods are publication of notice in a newspaper of general circulation in the county, city or general geographic area where the proposal is located; notifying private groups that are known to be interested in a certain proposal; contacting news media personnel and encouraging news coverage; and, placing notices in appropriate regional, neighborhood or ethnic periodicals. [Order DE 76-12, § 173-800-450, filed 5/14/76.]

WAC 173-800-460 Specific agencies to which draft EIS shall be sent. (1) A copy of each draft EIS shall be mailed no later than the day that it is listed in the lead agency's "EIS Available Register" to the following:

(a) The department of ecology.

(b) Each federal agency having jurisdiction by law over a proposed action.

(c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action.

(d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for nonproject actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs (See RCW 36.64.080, 35.63.070 and 36.70.070 [36.70.060]).

(g) The lead agency's SEPA public information center.

(h) (Optional) Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. [Order DE 76-12, § 173-800-460, filed 5/14/76.]

WAC 173-800-465 Agencies possessing environmental expertise. The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(1) Air quality.

(a) Department of ecology.

(b) Department of natural resources (only for burning in forest areas).

(c) Department of social and health services.

(d) Regional air pollution control authority or agency.

(2) Water resources and water quality.

(a) Department of game.

(b) Department of ecology.

(c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).

(d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).

(e) Department of fisheries.

(f) Oceanographic commission (marine waters).

(3) Fish and wildlife.

(a) Department of game.

(b) Department of fisheries.

(c) Oceanographic commission (marine waters).

(4) Solid waste.

(a) Department of ecology.

(b) Department of fisheries (dredge spoils).

(c) Department of social and health services.

(5) Noise.

(a) Department of ecology.

(b) Department of social and health services.

(6) Hazardous substances (including radiation).

(a) Department of ecology.

(b) Department of social and health services.

(c) Department of agriculture (foods or pesticides).

(d) Department of fisheries (introduction into waters).

(e) Oceanographic commission (introduction into marine waters).

(7) Natural resources development.

(a) Department of commerce and economic development.

(b) Department of ecology.

(c) Department of natural resources.

(d) Department of fisheries.

(e) Department of game.

(f) Oceanographic commission (related to marine waters).

(8) Energy production, transmission and consumption.

(a) Department of commerce and economic development (office of nuclear energy development—— nuclear).

(b) Department of ecology.

(c) Department of natural resources (geothermal, coal, uranium).

(d) State energy office.

(e) Thermal power plant site evaluation council (thermal power plants).

(f) Utilities and transportation commission.

(9) Land use and management.

(a) Department of commerce and economic development.

(b) Department of ecology.

(c) Department of fisheries (affecting surface or marine waters).

(d) Department of natural resources (tidelands or state–owned or –managed lands).

(e) Office of community development.

(10) Transportation.

(a) Department of highways.

(b) Utilities and transportation commission.

(c) Oceanographic commission (water borne).

(11) Recreation.

(a) Department of commerce and economic development.

(b) Department of game.

(c) Department of fisheries.

(d) Parks and recreation commission.

(e) Department of natural resources.

(12) Archaeological/historical.

(a) Parks and recreation commission.

(b) Washington State University at Pullman (Washington archaeological research council). [Order DE 76–12, § 173–800–465, filed 5/14/76.]

WAC 173–800–470 Cost to the public for reproduction of environmental documents. The department shall make available a copy of any environmental document, in the manner provided by chapter 42.17 RCW, charging only those costs allowed therein and mailing costs. *Provided*, That no charge shall be levied for circulation of documents to other agencies which is required by these guidelines. [Order DE 76–12, § 173–800–470, filed 5/14/76.]

WAC 173–800–480 Public hearing on a proposal——When required. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases, a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The department determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the state, or who would be adversely affected by the environmental impact of the proposal, make written request to the department within thirty–five days of the listing of the proposal in the "EIS Available Register"; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the department within thirty–five days of the listing of the proposal in the "EIS Available Register."

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty–one days from the listing of the proposal in the "EIS Available Register" and no earlier than fifteen days from such date of listing. [Order DE 76–12, § 173–800–480, filed 5/14/76.]

WAC 173–800–485 Public hearing on environmental impact of the proposal. (1) Notice of all public hearings to be held pursuant to WAC 173–800–480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For nonproject actions, the notice shall be published in the general area where the lead agency has its principal office. The notice shall be published no later than five days preceding the hearing. For nonproject proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

(2) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained in the department's SEPA public information center. [Order DE 76–12, § 173–800–485, filed 5/14/76.]

WAC 173–800–490 Public hearing on the proposal——Use of environmental documents. Whenever a public hearing is held on the environmental impact of a proposal, it shall be open to discussion of all environmental documents and any written comments which have been received by the department prior to the hearing. A copy of the draft EIS shall be made available for public inspection at the public hearing. [Order DE 76–12, § 173–800–490, filed 5/14/76.]

WAC 173–800–495 Preparation of amended or new draft EIS. (1) The responsible official shall prepare an amended or new draft EIS whenever he determines:

(a) That substantial changes have been made in the proposal, or significant new information concerning anticipated environmental impacts has become available subsequent to circulation of the initial draft EIS, and

(b) That circulation of a new draft EIS is necessary to provide further input and review on the proposal.

(2) In such event, the responsible official shall follow the provisions of WAC 173–800–450 through 173–800–490 and 173–800–060 for the amended or new draft EIS. [Order DE 76–12, § 173–800–495, filed 5/14/76.]

WAC 173–800–500 Responsibilities of consulted agencies——Local agencies. Each local agency, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall provide to the department that substantive data, information, test results and other material which it possesses relevant to its area of jurisdiction, to the services it will provide, or to the impacts upon it associated with the proposal. Field investigations are not required of local consulted agencies. Local agencies are not required to transmit information which has been previously transmitted to the department, or which is already reflected in the draft EIS. [Order DE 76–12, § 173–800–500, filed 5/14/76.]

WAC 173–800–510 Responsibilities of consulted agencies——State agencies with jurisdiction. Each state

agency with jurisdiction, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal; or, in the event no license is involved, the agency with jurisdiction shall investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The end result of these investigations should be that each agency with jurisdiction will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the agency with jurisdiction. An agency with jurisdiction, in its response to the lead agency, should also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risks which remain after it has conducted the investigations that may have been required. [Order DE 76–12, § 173–800–510, filed 5/14/76.]

WAC 173–800–520 Responsibilities of consulted agencies——State agencies with environmental expertise. (1) Each state agency participating in predraft consultation, or reviewing a draft EIS, lacking jurisdiction, but possessing environmental expertise pertaining to the impacts associated with a proposal (see WAC 173–800–465), when requested by the lead agency, shall provide to the lead agency that substantive data, information, test results or other material relevant to the proposal which the consulted agency then possesses relating to its area of special expertise.

(2) The consulted agency may at its option investigate, develop and transmit whatever additional information is necessary for the lead agency to meet its responsibilities under WAC 173–800–440 or 173–800–442. [Order DE 76–12, § 173–800–520, filed 5/14/76.]

WAC 173–800–530 Responsibilities of consulted agencies——When predraft consultation has occurred. When a consulted agency has engaged in the predraft consultation procedures set forth in WAC 173–800–410, the scope and depth of its required review and comment upon the draft EIS is limited to those appropriate and relevant matters which were not contained in its previous response (such as when significant new information becomes available which was not available to the consulted agency during the predraft consultation stage). [Order DE 76–12, § 173–800–530, filed 5/14/76.]

WAC 173–800–535 Cost of performance of consulted agency responsibilities. A consulted agency shall not charge the lead agency for any costs incurred in complying with WAC 173–800–500 through 173–800–540, including, but not limited to, such functions as providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization. [Order DE 76–12, § 173–800–535, filed 5/14/76.]

WAC 173–800–540 Limitations on responses to consultation. In those instances where part or all of the relevant data possessed by any consulted agency is either voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the consulted agency in its comments to the lead agency and the data itself need not be transmitted. When the consulted agency identifies relevant data, files or other material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the consulted agency shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request. [Order DE 76–12, § 173–800–540, filed 5/14/76.]

WAC 173–800–545 Effect of no written comment. If a consulted agency does not respond with written comments within thirty–five days of the date of listing of the draft EIS in the "EIS Available Register," or fails to respond within the fifteen–day extension period which may have been granted by the lead agency, the lead agency may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with WAC 173–800–400 through 173–800–495, or with the contents of the final EIS. [Order DE 76–12, § 173–800–545, filed 5/14/76.]

WAC 173–800–550 Consulted agency coordination. The department's responsibilities as a consulted agency will be coordinated by the environmental review unit. [Order DE 76–12, § 173–800–550, filed 5/14/76.]

WAC 173–800–570 Preparation of the final EIS——Contents——When no critical comments received on the draft EIS. (1) If the department does not receive any comments critical of the scope or content of the draft EIS, it may prepare a statement to the effect that no critical comments were received and circulate that statement in the manner prescribed in WAC 173–800–600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), shall

constitute the "final EIS" for the proposal: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies. [Order DE 76-12, § 173-800-570, filed 5/14/76.]

WAC 173-800-580 Preparation of the final EIS——Contents——When critical comments received on the draft EIS. (1) When the department receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it shall comply with either subsection (2) or (3) below.

(2) The responsible official may determine that no changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The responsible official must prepare a document containing a general response to the comments that were received, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The department shall then circulate the document in the manner prescribed in WAC 173-800-600: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The responsible official may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the department shall circulate the rewritten EIS in the manner specified in WAC 173-800-600. The responsible official shall ensure that the rewritten EIS evidences an affirmative response by the department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal. [Order DE 76-12, § 173-800-580, filed 5/14/76.]

WAC 173-800-600 Circulation of the final EIS. The lead agency's final EIS shall be circulated to the department of ecology, office of the governor or the governor's designee, the ecological commission, the lead agency's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.]

WAC 173-800-650 Effect of an adequate final EIS prepared pursuant to NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 USC § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 173-800-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the responsible official determines that the federal EIS is adequate, it shall be listed in the department's "EIS Available Register."

(4) A public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of its listing in the register, at least fifty persons who reside within the state make written request therefor. The responsible official shall reconsider his determination of adequacy in view of comments received at any such public hearing.

(5) When the department is considering an action which involves federal actions, it shall attempt to coordinate the two processes so as to result in the preparation of no more than one impact statement. [Order DE 76-12, § 173-800-650, filed 5/14/76.]

WAC 173-800-652 Supplementation by a lead agency of an inadequate final NEPA EIS. When a final EIS prepared pursuant to NEPA is inadequate under the criteria set forth in WAC 173-800-650(2), then the responsible official shall either:

(1) Prepare a draft EIS independent of the final NEPA EIS or

(2) Modify or supplement the final NEPA EIS as necessary to prepare an adequate draft EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.]

WAC 173-800-660 Use of previously prepared EIS for a different proposed action. (1) The department may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) A previous EIS shall not be used without an explanatory supplement where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the responsible official shall prepare a draft supplemental EIS and comply with the provisions of this chapter. The contents of the draft and final supplemental EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different

than the impacts of the earlier proposed action, the responsible official may prepare a written statement setting forth its determination under this subsection and list the proposal in the "EIS Available Register." The department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. The provisions of WAC 173-800-480 through 173-800-490, relating to a public hearing on the environmental impact of a proposal shall apply, however, to proposed actions determined to be under the provisions of this subsection. [Order DE 76-12, § 173-800-660, filed 5/14/76.]

WAC 173-800-690 Use of lead agency's EIS by other acting agencies for the same proposal. (1) When the department is considering an action which is identified as part of a proposal covered by a final EIS of a lead agency not the department, and the department was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, the department must utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) hereof.

(2) If it has jurisdiction, the department shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the department shall prepare a supplement to the lead agency's EIS if, and only if, it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If the department is not listed as a licensing agency in the draft EIS pursuant to WAC 173-800-440(2)(d) and did not receive a copy of the draft EIS, the department shall not be limited by the contents of the earlier EIS in preparing its statement. [Order DE 76-12, § 173-800-690, filed 5/14/76.]

WAC 173-800-695 Draft and final supplements to a revised EIS. (1) In any case where the department is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it shall prepare a draft supplemental EIS and comply with WAC 173-800-450. Copies of both the prior and supplemental EIS shall be maintained at the SEPA public information center, and copies of the prior EIS, as well as the supplement, shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the department shall comply with WAC 173-800-060 and 173-800-570 through 173-800-580 and the final supplemental EIS, together with the earlier EIS, shall be regarded as a final EIS for all purposes of these guidelines. [Order DE 76-12, § 173-800-695, filed 5/14/76.]

WAC 173-800-710 EIS combined with existing planning and review processes. The EIS process shall be combined with the existing planning, review and project approval processes being used by each agency with jurisdiction by law over a proposal. When required to be prepared, the EIS, the declaration of nonsignificance, or the previously circulated EIS being utilized pursuant to WAC 173-800-660, shall accompany a proposal through the existing review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.]

WAC 173-800-810 Responsibility of agencies—— Amendments to this chapter. In the event that CEP or its successor agency adopts amendments to chapter 197-10 WAC, the department shall adopt amendments to these guidelines within one hundred twenty days in order to bring these guidelines into conformance with chapter 197-10 WAC as amended. [Order DE 76-12, § 173-800-810, filed 5/14/76.]

WAC 173-800-830 Responsibility of agencies—— SEPA public information center. (1) The departmental SEPA public information center shall be located in the office of the environmental review unit at the headquarters office in Olympia. In addition, copies of all registers shall be forwarded upon written request, every two weeks or when updated (whichever is greater).

(2) The following documents shall be maintained at the department's SEPA public information center:

(a) Copies of all declarations of nonsignificance filed by the department, for a period of one year.

(b) Copies of all EISs prepared by the department, for a period of three years. Draft EISs which have been superseded by a final EIS need not be maintained at the center.

(3) In addition, the department shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained:

(a) A "Proposed Declaration of Nonsignificance Register" which shall contain a listing of all current proposed declarations of nonsignificance.

(b) An "EIS in Preparation Register" which shall contain a listing of all proposals for which the department is currently preparing an EIS, and the date by which the EIS is expected to be available.

(c) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by the department during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4) Each of the registers required by subsection (3) hereof shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the register, in which event a copy of the register or update shall be mailed when a new proposal is added. The department may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(5) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request. The department may charge for copies in the manner provided by chapter 42.17 RCW, and for the cost of mailing. [Order DE 76-12, § 173-800-830, filed 5/14/76.]

WAC 173-800-840 Application of these guidelines to on-going actions. (1) These guidelines shall apply to any proposed action when initiated subsequent to their effective date.

(2) For proposals made prior to the effective date of these guidelines, these guidelines shall apply to those elements of SEPA compliance remaining to be undertaken subsequent to the effective date of these guidelines. [Order DE 76-12, § 173-800-840, filed 5/14/76.]

WAC 173-800-910 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Order DE 76-12, § 173-800-910, filed 5/14/76.]

Chapter 173-805 WAC
MODEL ORDINANCE FOR USE IN INTEGRATION OF SEPA GUIDELINES

WAC

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WAC 173-805-010 Policies and authority. The city/county of _____ hereby adopts by reference the policies of the State Environmental Policy Act as expressed in RCW 43.21C.010 and RCW 43.21C.020. [Order DE 76-13, § 173-805-010, filed 6/8/76.]

WAC 173-805-020 Adoption by reference. The city/county hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy):

WAC 197-10-040: Definitions.
WAC 197-10-060: Scope of a proposal and its impacts.
WAC 197-10-160: No presumption of significance for nonexempt actions.
WAC 197-10-170: Categorical exemptions.
WAC 197-10-175: Exemptions and nonexemptions applicable to specific state agencies.
WAC 197-10-180: Exemptions for emergency actions.
WAC 197-10-200: Lead agency—Responsibilities.
WAC 197-10-203: Determination of lead agency—Procedures.
WAC 197-10-205: Lead agency designation—Governmental proposals.
WAC 197-10-210: Lead agency designation—Proposals involving both private and public construction.
WAC 197-10-215: Lead agency designation—Private projects for which there is only one agency.
WAC 197-10-220: Lead agency designation—Private projects, licenses from more than one agency when one is city/county.
WAC 197-10-225: Lead agency designation—Private projects, license from more than one state agency.
WAC 197-10-230: Lead agency designation—Specific proposals.
WAC 197-10-235: Local agency transfer of lead agency status to a state agency.
WAC 197-10-240: Agreements as to lead agency status.
WAC 197-10-245: Agreements between agencies as to division of lead agency duties.
WAC 197-10-260: Dispute as to lead agency determination—Resolution by CEP.
WAC 197-10-270: Assumption of lead agency by another agency with jurisdiction.
WAC 197-10-300: Threshold determination requirement.
WAC 197-10-305: Recommended timing for threshold determination.
WAC 197-10-310: Threshold determination procedures—Environmental checklist.
WAC 197-10-320: Threshold determination procedures—Initial review of environmental checklist.
WAC 197-10-330: Threshold determination procedures—Information in addition to checklist.
WAC 197-10-340: Threshold determination procedures—Negative declarations.
WAC 197-10-345: Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
WAC 197-10-350: Affirmative threshold determinations.
WAC 197-10-355: Form of declaration of significance/nonsignificance.
WAC 197-10-360: Threshold determination criteria—Application of environmental checklist.
WAC 197-10-365: Environmental checklist.
WAC 197-10-370: Withdrawal of affirmative threshold determination.
WAC 197-10-375: Withdrawal of negative threshold determination.
WAC 197-10-390: Effect of threshold determination by lead agency.
WAC 197-10-400: Duty to begin preparation of a draft EIS.
WAC 197-10-410: Predraft consultation procedures.
WAC 197-10-425: Organization and style of a draft EIS.
WAC 197-10-440: Contents of a draft EIS.
WAC 197-10-442: Special considerations regarding contents of an EIS.
WAC 197-10-444: List of elements of the environment.
WAC 197-10-450: Public awareness of availability of draft EIS.
WAC 197-10-455: Circulation of the draft EIS—Review period.

WAC 197–10–460:	Specific agencies to which draft EIS shall be sent.
WAC 197–10–465:	Agencies possessing environmental expertise.
WAC 197–10–470:	Costs to the public for reproduction of environmental documents.
WAC 197–10–480:	Public hearing on a proposal—When required.
WAC 197–10–485:	Notice of public hearing on environmental impact of the proposal.
WAC 197–10–490:	Public hearing on the proposal—Use of environmental document.
WAC 197–10–495:	Preparation of amended or new draft EIS.
WAC 197–10–500:	Responsibilities of consulted agencies—Local agencies.
WAC 197–10–510:	Responsibilities of consulted agencies—State agencies with jurisdiction.
WAC 197–10–520:	Responsibilities of consulted agencies—State agencies with environmental expertise.
WAC 197–10–530:	Responsibilities of consulted agencies—When predraft consultation has occurred.
WAC 197–10–535:	Cost of performance of consulted agency responsibilities.
WAC 197–10–540:	Limitations on responses to consultation.
WAC 197–10–545:	Effect of no written comment.
WAC 197–10–550:	Preparation of the final EIS—Time period allowed.
WAC 197–10–570:	Preparation of final EIS—When no critical comments received on the draft EIS.
WAC 197–10–580:	Preparation of the final EIS—Contents—When critical comments received on draft EIS.
WAC 197–10–600:	Circulation of the final EIS.
WAC 197–10–650:	Effect of an adequate final EIS prepared pursuant to NEPA.
WAC 197–10–652:	Supplementation by a lead agency of an inadequate final NEPA EIS.
WAC 197–10–660:	Use of previously prepared EIS for a different proposed action.
WAC 197–10–690:	Use of a lead agency's EIS by other acting agencies for the same proposal.
WAC 197–10–695:	Draft and final supplements to a revised EIS.
WAC 197–10–700:	No action for seven days after publication of the final EIS.
WAC 197–10–710:	EIS combined with existing planning and review processes.
WAC 197–10–830:	Responsibilities of agencies—SEPA public information center.
WAC 197–10–835:	Regional SEPA public information centers.
WAC 197–10–840:	Application of agency guidelines to ongoing actions.

[Order DE 76–13, § 173–805–020, filed 6/8/76.]

WAC 173–805–030 Additional definitions. In addition to those definitions contained within WAC 197–10–040, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.

(2) "SEPA Guidelines" means chapter 197–10 WAC adopted by the council on environmental policy. [Order DE 76–13, § 173–805–030, filed 6/8/76.]

WAC 173–805–040 Time limits applicable to the SEPA process. The following time limits (expressed in calendar days) shall apply to the processing of all private projects and to those governmental proposals submitted to this city/county by other agencies:

(1) ([Optional]) Categorical Exemptions. Identification of categorically exempt actions shall occur within seven (7) days of submission of an adequate application;

(2) Threshold Determinations.

(a) For proposals for which the city/county is the lead agency, threshold determinations should normally be completed within fifteen (15) days.

(b) Threshold determinations which can be made based upon review of the environmental checklist submitted by applicant should be completed within fifteen (15) days of submission of an adequate application and the completed checklist.

([Use (a) *or* (b) above, but not both.])

(c) ([Optional]) Threshold determinations requiring further information from the applicant or consultation with other agencies with jurisdiction should be completed within fifteen (15) days of receiving the requested information from the applicant or the consulted agency; requests by the city/county for such further information should be made within fifteen (15) days of the submission of an adequate application and completed checklist; when a request for further information is submitted to a consulted agency, the city/county shall wait a maximum of thirty (30) days for the consulted agency to respond.

(d) ([Optional]) Threshold determinations which require that further studies, including field investigations, be initiated by the city/county should be completed within thirty (30) days of submission of an adequate application and the completed checklist.

(e) ([Optional]) Threshold determinations on actions where the applicant recommends in writing that an EIS be prepared because of the significant impact asserted and described in the application shall be completed within fifteen (15) days of submission of an adequate application and the completed checklist.

(f) The time limits set forth in this subsection shall not apply to withdrawals of affirmative and negative threshold determinations where such withdrawals are made in accordance with section _____ and _____.

(g) When a threshold determination is expected to require more than fifteen (15) days to complete and a private applicant requests notification of the date when a threshold determination will be made, the lead agency shall transmit to the private applicant a written statement as to the expected date of decision. [Order DE 76–13, § 173–805–040, filed 6/8/76.]

WAC 173–805–050 Environmentally sensitive areas. ([Optional]) (1) The map(s) filed under Receiving No. _____ and adopted by reference hereto designate the location of environmentally sensitive areas within the city/county. For each sensitive area, exemptions within WAC 197–10–170 of the SEPA guidelines are identified on the maps as being inapplicable to that area. Other exemptions not so identified shall continue to apply within environmentally sensitive areas of the city/county.

(2) Environmentally sensitive areas shall be designated by _____ pursuant to the standards of WAC 197–10–177. Maps designating such areas, together with the exemptions from those listed in WAC 197–10–177(2) which are inapplicable in such area, shall be filed with _____ and shall have full force and effect of law as of the date of filing.

([Use (1) *or* (2) above, but not both.])

(3) Major actions which will be located wholly or partially within an environmentally sensitive area are to be treated no differently than other major actions under these guidelines. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. [Order DE 76-13, § 173-805-050, filed 6/8/76.]

WAC 173-805-060 Use of exemptions. (1) The applicability of the exemptions shall be determined by each department within the city/county which received an application for a license, or in the case of governmental proposals, by that department initiating the proposal. A determination by any such department that a proposal is exempt shall be final and not subject to administrative review.

(2) If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is not exempt.

(3) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt.

(4) If it is determined that a proposal is exempt, none of the procedural requirements of these guidelines apply to the proposal. No environmental checklist shall be required for an exempt proposal.

(5) A department which is determining whether or not a proposal is exempt shall ascertain the total scope of the proposal and the governmental licenses required. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is not exempt. For any such proposal, the lead agency shall be determined, even if the license application which triggers the department's consideration is otherwise exempt. If the lead agency is the city/county, then the responsible official shall be designated.

(6) If a proposal includes both exempt and nonexempt actions, exempt actions may be authorized with respect to the proposal prior to compliance with the procedural requirements of these guidelines subject to the following limitations:

(a) No major action (nonexempt action) shall be authorized;

(b) No action shall be authorized which will irrevocably commit the city/county to approve or authorize a major action;

(c) A department may withhold approval of an exempt action which would lead to modification of the physical environment, when such modifications would serve no purpose if later approval of a major action is not secured; and

(d) A department may withhold approval of exempt actions which would lead to substantial financial expenditures by a private applicant which would serve no purpose if later approval of a major action is not secured. [Order DE 76-13, § 173-805-060, filed 6/8/76.]

WAC 173-805-070 Lead agency determination and responsibilities. (1) Any department within the city/county receiving or initiating a proposal any portion of which involves a major action, shall determine the lead agency for that proposal pursuant to the criteria set forth in section WAC 197-10-205 through 197-10-270, using the procedures of WAC 197-10-203. This determination shall be made for each proposal involving a major action unless the lead agency has been previously determined, or the department is aware that another department or agency is in the process of determining the lead agency. *NOTE*: A lead agency must be an agency with jurisdiction.

(2) In those instances in which the city/county is the lead agency, the responsible official of the city/county shall supervise compliance with the threshold determination, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.

(3) In those instances in which the city/county is not the lead agency under the criteria of WAC 197-10-205 through 197-10-270, all departments of the city/county, subject to the limitations of WAC 197-10-390, 197-10-660, and 197-10-690 shall utilize and consider as appropriate either the declaration of nonsignificance or the final EIS of the lead agency in conjunction with the decisions of the city/county on the proposal. In such instances, no city/county department shall prepare or require preparation of a declaration of nonsignificance or EIS in addition to that prepared by the lead agency.

(4) In the event that the city/county or any department thereof receives a lead agency determination made by another agency which does not appear to be in accord with the criteria of WAC 197-10-205 through 197-10-245 it may object thereto. Any such objection must be made and resolved within fifteen (15) days of receipt of the determination, or the city/county must petition CEP for a lead agency determination pursuant to WAC 197-10-260 within the fifteen (15) day time period. Any such petition on behalf of the city/county shall be initiated by ----------.

(5) Departments of the city/county are authorized to make agreements as to lead agency status pursuant to WAC 197-10-240 and WAC 197-10-245: *Provided*, That any such agreement involving assumption of lead agency status by the city/county will first be approved by the responsible official for the city/county and that any department which will incur responsibilities as a result of any such agreement will approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to ascertain which other agencies have jurisdiction over the proposal. [Order DE 76-13, § 173-805-070, filed 6/8/76.]

WAC 173-805-080 Transfer of lead agency status to a state agency. ([Optional for cities or towns under 5,000 population and counties of fifth through ninth class.]) For any proposal for a private project where the city/county would be the lead agency and for which one

or more state agencies have jurisdiction, the responsible official of the city/county may elect to transfer the lead duties to that state agency with jurisdiction appearing first on the priority listing in WAC 197–10–225. In such event, the state agency so determined shall be the lead agency and the city/county shall be an agency with jurisdiction. Transfer is accomplished by the responsible official of the city/county transmitting a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city/county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. [Order DE 76–13, § 173–805–080, filed 6/8/76.]

WAC 173–805–090 Environmental checklist. (1) Except as provided in WAC 197–10–300(2), a completed environmental checklist, or a copy thereof, substantially in the form provided in WAC 197–10–365 shall be filed at the same time as an application for a permit, license, certificate, or other entitlement for use not specifically exempted herein. This checklist shall be the basis for a determination by the city/county as to lead agency status and if the city/county is determined to be the lead agency, then for the threshold determination.

(2) For all proposals for which the city/county is the lead agency, the responsible official of the city/county shall make the threshold determination pursuant to the criteria and procedures of WAC 197–10–300 through 197–10–365. [Order DE 76–13, § 173–805–090, filed 6/8/76.]

WAC 173–805–100 Preparation of EIS. (1) The draft and final EIS shall be prepared either by the responsible official or his designee, or by a private applicant or a consultant retained by the private applicant. In the event the responsible official determines that the applicant will be required to prepare an EIS, the applicant shall be so notified immediately after completion of the threshold determination.

(2) In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) In the event that the responsible official or his designee is preparing an EIS, the responsible official may require a private applicant to provide data and information which is not in the possession of the city/county relevant to any or all areas to be covered by the EIS.

(4) No matter who participates in the preparation of an EIS, it must be approved by the responsible official prior to distribution.

(5) In all occasions of EIS preparation the applicant is encouraged to provide information to the responsible official. [Order DE 76–13, § 173–805–100, filed 6/8/76.]

WAC 173–805–105 Additional elements to be covered in an EIS. The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under these rules:

(1) Economy.

(2) Cultural factors.

(3) Sociological factors.

([This section is completely optional. If used, any of the listed elements may be selected, or you may add your own.]) [Order DE 76–13, § 173–805–105, filed 6/8/76.]

WAC 173–805–110 Designation of official to perform consulted agency responsibilities for the city/county. (1) The following (person) (department) (office) shall be responsible for the preparation of the written comments for the city/county in response to a consultation request prior to a threshold determination, participation in predraft consultation, or reviewing a draft EIS: _____.

(2) The official designated in paragraph (1) hereof shall be responsible for compliance by the city/county with WAC 197–10–500 through 197–10–540 wherever the city/county is a consulted agency, and is hereby authorized to develop operating procedures which will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city/county. [Order DE 76–13, § 173–805–110, filed 6/8/76.]

WAC 173–805–115 Designation of responsible official. (1) For those proposals for which the city/county is the lead agency, the responsible official shall be _____.

(2) The responsible official shall make the threshold determination, supervise preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA guidelines which were adopted by reference in WAC 173–805–020 hereof, for all proposals for which the city/county is the lead agency. [Order DE 76–13, § 173–805–115, filed 6/8/76.]

WAC 173–805–120 SEPA public information center. (1) The following location constitutes the city's/county's SEPA public information center:

_____

_____

_____

Telephone: ( ) _____

(2) All reasonable means will be used to make the existence and location of the city's/county's SEPA public information center known to both the public generally and the employees of the city/county.

(3) The SEPA public information center shall contain the documents and provide the services required by WAC 197–10–830. [Order DE 76–13, § 173–805–120, filed 6/8/76.]

WAC 173-805-125 Regional SEPA public information center. ([Optional——Use only within counties which have a regional SEPA public information center approved by CEP.])

(1) The following location is the regional SEPA public information center for _____ county:

_____
_____
_____
Telephone: ( ) _____

(2) All of the duties assigned to the SEPA public information center by WAC 197-10-830 and 197-10-835 shall be undertaken by the regional center indicated in subsection (1) above. [Order DE 76-13, § 173-805-125, filed 6/8/76.]

WAC 173-805-130 Fees. ([This section is completely optional, and any or none of the following subsections may be used, or municipalities may wish to substitute their own provisions.])

The following fees shall be required for actions by the city/county in accordance with the provisions of this ordinance:

(1) Threshold Determination—For every environmental assessment to be performed by the city/county when the city/county is lead agency a fee of ([$50.00]) shall be required of the proponent of the proposal. This fee shall be collected prior to undertaking the threshold determination, and the time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.

(2) Environmental Impact Statements—

(a) For all proposals requiring an EIS for which the city/county is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the city/county, the city/county may charge and collect a reasonable fee from any applicant to cover costs incurred by the city/county in the preparation of an EIS. If it is determined that an EIS is required, applicants shall be advised of projected costs of the statement prior to actual preparation and shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of environmental documents for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals. Applicants may be required to post bond or otherwise insure payment of such costs.

(c) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a) and (b) of this subsection which were collected for costs not incurred.

(3) No fee shall be collected by the city/county for performing its duties as a consulted agency.

([Note: The SEPA guidelines prohibit fees by consulted agencies.])

(4) The SEPA public information center of the city/county is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

(5) The city/county may charge any person for copies of any document prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by chapter 42.17 RCW. [Order DE 76-13, § 173-805-130, filed 6/8/76.]

WAC 173-805-135 Notice/statute of limitations. ([Optional]) (1) The city/county, applicant for, or proponent of an action may publish notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be as prescribed by the department of ecology and/or substantially in the form and manner set forth in RCW 43.21C.080. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C-.080. [Order DE 76-13, § 173-805-135, filed 6/8/76.]

WAC 173-805-140 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected. [Order DE 76-13, § 173-805-140, filed 6/8/76.]