

such individual's race, creed, color, sex, national origin, or marital status.

(9) Requiring the distribution of these regulations to each of its employees and agents who determine, influence, or effectuate the creditor's policies and practices.

[Statutory Authority: RCW 49.60.120(3), 00-01-177, § 162-40-251, filed 12/21/99, effective 1/21/00; Order 34, § 162-40-251, filed 6/30/77.]

Title 173 WAC

ECOLOGY, DEPARTMENT OF

Chapters

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Chapter 173-153 WAC

WATER CONSERVANCY BOARDS

WAC

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WAC 173-153-010 Purpose and authority. The purpose of this chapter is to establish procedures the department of ecology (ecology) and water conservancy boards (conservancy boards) will follow in implementing chapter 90.80 RCW, and in implementing RCW 90.03.380, 90.03.390, and 90.44.100, which govern the granting of water right transfers. Chapter 90.80 RCW authorizes establishment of water conservancy boards and vests them with certain powers relating to water right transfers.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-010, filed 11/17/99, effective 12/18/99.]

WAC 173-153-020 Applicability. These procedures apply to the establishment of water conservancy boards (established in accordance with chapter 90.80 RCW) and to

how applications to transfer water rights that are filed with a water conservancy board will be processed.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-020, filed 11/17/99, effective 12/18/99.]

WAC 173-153-030 Definitions. For the purposes of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Application" means an application for a transfer of a water right, including those proposed under authority of RCW 90.03.380, 90.03.390 and 90.44.100. Application generally refers to filings made on an ecology form titled "application for change/transfer of water right," number 040-1-97, or as that form may be amended by ecology in the future.

(2) "Conditional decision" means the conclusion reached by an individual conservancy board regarding approval or denial of an application to transfer an existing water right.

(3) "Consumptive use" means use of water whereby there is a diminishment of the water source.

(4) "Source" means the water body from which water is or would be diverted or withdrawn under an existing water right which an applicant has proposed to be transferred.

(5) "Transfer" means an alteration, in whole or in part, in the point of diversion or withdrawal, purpose of use, place of use, or change or amendment of a water right, or other limitation or circumstance of water use approved in accordance with RCW 90.03.380, 90.03.390 or 90.44.100.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-030, filed 11/17/99, effective 12/18/99.]

WAC 173-153-040 Creation of a water conservancy board. Counties are encouraged to consult with ecology when considering formation of a water conservancy board.

(1) Creation of a water conservancy board is accomplished by the following steps:

(a) A resolution or petition must be submitted to the county legislative authority calling for formation of a water conservancy board. The resolution or petition may be initiated by:

- (i) The county legislative authority;
- (ii) The legislative authority of an irrigation district, a public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system;
- (iii) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;

(iv) Five or more water rights holders who divert water for use in the county; or

(v) Any combination of the above;

(b) The resolution or petition must include:

- (i) A statement of the need for the board;
- (ii) Proposed bylaws that will govern the operation of the board;

(iii) An identification of the geographic boundaries where there is an initial interest in transacting water sales or transfers; and

(iv) A description of the proposed method(s) for funding the operation of the board;

(c) A public hearing must be held by the county legislative authority on the proposed creation of the board;

(d) A public notice must be published in a newspaper of general circulation in the county not less than ten days, nor more than thirty days, before the date of a public hearing to be held by the county legislative authority on the proposed creation of the water conservancy board. The notice shall describe the time, date, place and purpose of the hearing, as well as the purpose of the board. Notice must be sent to ecology's regional office at the time of publication and an effort should be made to ensure that any watershed planning unit or Indian tribe with an interest in water rights in the county also receives the notice;

(e) After the public hearing a resolution must be adopted by the county legislative authority approving the creation of a water conservancy board; and

(f) The county legislative authority shall identify and select county residents who wish to participate on the county's water conservancy board.

(2) Ecology will approve or deny creation of a water conservancy board within forty-five days of receiving:

(a) A copy of a resolution or petition to the county legislative authority calling for the formation of a water conservancy board. If five water rights holders who divert water for use in the county initiated the petition, it must include their names, addresses, and documentation as to the water rights held by the petitioners. Documentation may include the permit number, certificate number, or claim number of the petitioner's water right. The petition must include a description of how the water conservancy board will be funded;

(b) An affidavit of publication for the public notice that appeared in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the date of the public hearing on the proposed creation of the board;

(c) A summary of the public testimony presented during the public hearing conducted by the county legislative authority in response to the resolution or petition to form a water conservancy board. The summary shall include a title and a date for the hearing;

(d) A copy of the resolution by the county legislative authority approving the creation of a water conservancy board. The resolution must include a method for funding the proposed water conservancy board; and

(e) A copy of the board's proposed bylaws.

(3) Ecology will determine if the creation of a water conservancy board will further the purposes of the law and will be in the public interest. The public interest includes, but is not limited to, whether ecology has sufficient staffing resources to provide necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's anticipated conditional decisions on applications.

(4) Based on its determination, ecology will approve or deny the formation of the water conservancy board. If formation of a water conservancy board is approved, ecology will include a description of the training requirements as outlined in WAC 173-153-050 for water conservancy board members in its approval.

(5)(a) Ecology may revoke legal authority of a board to make conditional decisions in the following circumstances:

(i) If the board fails to render a conditional decision for a period of not less than two years; or

(ii) If the board demonstrates a pattern of ignoring legal principles and requirements in its processing of applications or in its conditional decisions; or

(iii) If requested by the county legislative authority that called for the board's formation.

(b) The board will be allowed thirty days to respond to any revocation before it becomes effective. Ecology may reverse the revocation based upon the board response.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-040, filed 11/17/99, effective 12/18/99.]

WAC 173-153-050 Training requirements. (1) Before participating in any conditional decision of a water conservancy board, every member is required to complete a training program provided by ecology. Successful completion of the training program will consist of:

(a) Completing at least thirty-two hours of instruction regarding hydrology, state water law, state water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and applied practical experience working with applications for transfer of water rights with ecology staff; and

(b) Demonstrating sufficient mastery of the training curriculum by passing an examination given by an ecology employee upon completion of the minimum training.

(2) Ecology will certify in writing to the appropriate county legislative authority the successful completion of the training program for water conservancy board members and staff.

(3) After completing one year of service on a water conservancy board, members must each year complete eight hours of continuing education directed or approved by ecology. Continuing education may include readings, seminar or field experience on state water law, state water policy, administrative and judicial case law developments, field practices, the evaluation of existing water rights, or hydrology.

Ecology may, at its discretion, in response to demand, provide training semiannually. Ecology may combine training for more than one board.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-050, filed 11/17/99, effective 12/18/99.]

WAC 173-153-060 Scope of authority of water conservancy boards. (1) A water conservancy board may accept an application for transfer of a surface or ground water right for processing if the water right is currently used within, or if approved, will be used within the boundaries of the county in which the board has jurisdiction. The application may be for a permanent or seasonal (temporary) use. The board shall investigate the application and make a determination whether the proposal should be approved or denied and, if approved, under what conditions the approval should be granted. In this process, boards should determine whether a watershed planning unit is involved in planning related to the source of water that would be affected by the application and, if so, the

board should notify and consider comments from the watershed planning unit prior to issuing its conditional decision.

(2)(a) Applications for transfers that propose to use water from the same source must generally be processed in the order in which they were filed. Exceptions are outlined in chapter 173-152 WAC.

(b) Decisions on applications must be made by a board in the order in which the applications were originally filed with the board or with ecology, if the applications were first filed with ecology. Exceptions are as outlined in WAC 173-152-050 or as follows:

(i) Applications to alleviate public health and safety emergencies, as specified in WAC 173-152-050(1), may be processed before competing applications; and

(ii) If review of an application has begun and the board determines that gathering more information than is available at the time of the review is required, the board need not await the availability of the additional information before reviewing the next application awaiting action.

(c) A conservancy board must take into consideration the effect of a proposed transfer on the availability of water for any applications for new water rights, as well as any applications for transfers that were previously filed with ecology for water from the same source as the application under consideration by the board. Ecology will cooperate with conservancy boards to resolve any problems associated with conflicting applications. The availability of water for senior applicants, including those applicants who have filed transfer applications with ecology rather than a conservancy board, must not be impaired, regardless of the order in which applications are processed.

(3) The quantity of water appropriated under a water right may not be expanded. For agricultural use, the acreage irrigated may not be expanded, except in limited circumstances allowed in RCW 90.03.380 in which the consumptive use under the water right is not increased.

(4) Any water right or portion of a water right that has not previously been put to actual beneficial use cannot be transferred, except as authorized by RCW 90.44.100. Transfer of previously unused ground water rights under RCW 90.44.100 is limited to changing the place of use and the point of withdrawal.

(5) No applicant may be compelled to apply for a transfer with a conservancy board. Applicants have the option of applying directly to ecology rather than a water conservancy board.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-060, filed 11/17/99, effective 12/18/99.]

WAC 173-153-070 Application for transfer of a water right. (1) Water conservancy boards may accept applications for transfer of water rights. Ecology will provide water right transfer application forms and applicant instructions to water conservancy boards, which will make them available to prospective applicants. All applications to the water conservancy board must be made using the water right transfer form supplied by ecology. The decision to file a transfer application with a conservancy board rather than directly with ecology is solely at the discretion of the applicant. The conservancy board and ecology will inform any prospective appli-

cants that they have the option of filing either with the board or with ecology.

(2) The board shall ensure that the application is complete and legible and is accompanied by the minimum ten-dollar examination fee required by RCW 90.03.470(1). The board may establish and charge additional fees in accordance with RCW 90.80.060(2).

(3) The original application form and the statutory state application fee must be forwarded by the conservancy board to the appropriate ecology regional office within five working days of the date of receipt. Within thirty working days from the date of notice from the board, ecology will assign a state water right control number to the application and inform the water conservancy board of the assigned number. Ecology will open a file relating to the application that will be maintained for permanent recordkeeping. Ecology will inform the applicant if additional state fees are due.

(4) If an applicant makes a request to a water conservancy board that an application previously filed with ecology be reviewed by that conservancy board, the conservancy board must determine whether it will review the application. If the conservancy board determines that it will review that application, the board shall make a request to ecology, and ecology shall forward a copy of the application and all relevant documents to the conservancy board.

(5) A board may decline to process or continue processing an application at any time. The board will inform the applicant in writing of its decision to decline further consideration of the application within fourteen working days. The board must forward to ecology the working file for the specific transfer and any state application fees that have not previously been forwarded to ecology. The board must also provide a written explanation to ecology regarding its decision not to process or finish processing the application.

(6) The board must ensure that copies of the application are properly distributed to interested parties in compliance with existing laws, ecology memoranda of understanding, policies and other guidance. To assist the board, ecology will provide a list of potentially interested parties.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-070, filed 11/17/99, effective 12/18/99.]

WAC 173-153-080 Public notice. (1) The water conservancy board shall publish, or require the applicant to publish, a public notice of the proposed transfer of a water right in accordance with RCW 90.03.280, at least once a week for two consecutive weeks in the legal notice section of a newspaper of general circulation in at a minimum the county or counties of proposed water use, diversion and storage of water. Ecology must provide the board with a list of newspapers acceptable for this purpose. Additional public notice may be required in areas that may be affected by the transfer proposal. The public notice of each individual application for transfer must include the following information, in the following order:

- (a) Applicant's name and city or county of residence;
- (b) Application number assigned by ecology;
- (c) Water right priority date;
- (d) Description of the water right to be transferred, including any identifying number, the location of point of

diversion or withdrawal, place of use, and instantaneous and annual quantities authorized;

(e) Proposed transfers to be made, including location of point of diversion or withdrawal, place of use, or instantaneous and annual quantities authorized;

(f) Manner and time limit for filing protests with ecology under RCW 90.03.470; and

(g) Manner and time limit for intervening before the board under RCW 90.80.070(4).

A copy of the public notice will be sent to ecology's regional office.

(2) Before acting on an application, the board must first receive a notarized affidavit of publication from each newspaper in which notice was published verifying that publication correctly occurred. The board must also allow at least thirty days for the filing of protests or objections following the last date of publication of the notice before making a final decision.

(3) When an applicant substantively amends the application for a transfer of a water right subsequent to publication of the notice, or when a substantive error or omission occurs in the publication, the public notice must be republished in all newspapers of original publication, and reviewing agencies must be sent corrected copies of any amended transfer proposal.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-080, filed 11/17/99, effective 12/18/99.]

WAC 173-153-090 Protests. (1) A protest of an application that has been filed with a water conservancy board must be received by ecology with the two-dollar protest fee within thirty days of the last date of publication of the public notice. Ecology will consider all pertinent protests during its review of the board's conditional decision on the application. Persons inquiring of the board or ecology regarding protest procedures will be directed to file the protest with ecology. Ecology will provide a copy of the protest to the appropriate board.

(2) A valid protest must include the name, address and phone number (if any) of the protesting party; identification of the transfer proposal being protested; and a statement regarding the basis for the protest. Proper basis for a protest must include:

(a) The impacts of the proposed transfer on other water rights; or

(b) The impacts of the proposed transfer on the public interest; or

(c) A challenge to the potential extent and validity of the water right proposed to be transferred.

(3) The board must immediately forward to ecology any protests that it receives in error, accompanied by the two-dollar protest fee if it was included with the protest.

(4) Any protest received thirty days after the last date of publication of the public notice, or without the required fee, will be filed as a letter of concern.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-090, filed 11/17/99, effective 12/18/99.]

WAC 173-153-110 Examination of application. (1) A water conservancy board shall make its conditional decision

on a transfer application based on applicable state law, rules, policies, and ecology guidance. In addition to specific water law, other relevant state laws, including the Growth Management Act, must be considered.

(2) Generally, a board should conduct a field examination of the site of the proposal, clarify any unclear information by contacting the applicant, and discuss the concerns of protesters and objectors with the persons who filed them. All relevant information must be collected and considered in the examination. Detailed hydrological or hydrogeological information may need to be collected or other research conducted or compiled. A board may require the applicant to provide additional information at the applicant's expense if that information is necessary to render an informed conditional decision on the application.

(3) A board must consider all comments received about the pending application. In this process, boards should determine whether an Indian tribe, watershed planning unit, or other governmental body is involved in planning or water management related to the source of water that would be affected by the application. If this is the case, the board should engage the tribe, watershed planning unit or governmental body in the board's effort to obtain information concerning the application.

(4) A water conservancy board must evaluate the application, including the entire water rights record, and determine whether or not the transfer as proposed is in accordance with applicable laws, rules, policies and guidelines of ecology. The board must also make a tentative determination as to the extent and validity of the water right proposed to be transferred, whether the transfer can be made without injury or detriment to existing rights, and whether the proposed transfer is not detrimental to the public interest.

(5) A water conservancy board shall ensure that the requirements of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC, have been met before finalizing a conditional decision, and if determined by the board to be appropriate under WAC 197-11-922 through 197-11-944, the board will be the lead agency for SEPA compliance.

(6) A water conservancy board shall consult with ecology if it encounters new, unusual, or controversial issues in the course of examining an application. Ecology will provide assistance and advice as to how to proceed in accordance with state law, rule, policy and sound administrative practice.

(7) If a geographical area within the jurisdiction of a conservancy board is or becomes the subject of an adjudication conducted by a superior court for the determination of water rights, ecology will seek guidance from the superior court regarding the court's role in administering the water rights that are subject to the adjudication. Thereafter, ecology shall advise the conservancy board on whether and how the board may proceed to evaluate and make conditional decisions on applications for transfers of water rights that are subject to the adjudication being conducted by the superior court. When a board receives an application for transfer of a water right that is in an area subject to an ongoing general water rights adjudication process, and a public notice has been published, the board must send a copy of the public notice regarding the application to ecology, which will then submit the notice to

the court conducting the adjudication. When a board makes a conditional decision on a transfer of a water right that is in an area subject to an ongoing general water rights adjudication process, a copy of the conditional decision must be sent to ecology, which will forward the conditional decision to the court conducting the adjudication.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-110, filed 11/17/99, effective 12/18/99.]

WAC 173-153-120 Interventions and protests. (1)

Any water right holder claiming detriment or injury to an existing water right may intervene in the application review process before the water conservancy board. Actions by the water conservancy board are independent from those of ecology. Ecology's final decisions based upon water conservancy board's conditional decisions are subject to administrative and judicial review.

(2) A party who intervenes in a water conservancy board conditional decision is not considered to be a protesting party unless the party has also filed a timely protest with ecology. Protests must be filed with ecology in accordance with WAC 508-12-120 and will be evaluated by ecology concurrently with its review of the water conservancy board conditional decision. Ecology will also consider other objections and comments in the record, including the record of any hearings held by the board, when it makes its review of the board's conditional decision.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-120, filed 11/17/99, effective 12/18/99.]

WAC 173-153-130 Conditional decision by water conservancy board. (1) The water conservancy board's conditional decision must be in writing, and its record of decision becomes part of the public record.

(2) For applications that are proposed to be denied, the water conservancy board will issue a record of decision denying the transfer, subject to review and final determination by ecology.

(3) For applications for transfer that are proposed to be affirmed, the water conservancy board will issue the applicant a record of decision and a certificate of conditional approval, subject to review and final approval by ecology.

(4) The record of decision along with either the certificate of conditional approval or the notice of denial will each address the following:

(a) Within a section entitled "background":

(i) A description of the water right proposed for transfer to include the ecology-assigned application number, and the board's tentative determination as to the validity and quantification of the right, together with a description of the historical water use information that was considered by the board;

(ii) A description of any protests, objections or comments, including comments provided by other agencies, Indian tribes, or other interested parties, and the board's analysis of each issue considered, including the name and address of individual intervenors;

(iii) A discussion explaining compliance with the State Environmental Policy Act;

(b) Within a section entitled "investigation":

(i) An analysis of the effect of the proposed transfer on other water rights, pending applications, and instream flows established under state law;

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in harmony with the right proposed to be transferred;

(iii) An analysis of the effect of the transfer on the public interest;

(iv) Any conditional decision or conclusion that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse;

(v) A description of the results of any geologic, hydrogeologic or other scientific investigations that were considered by the board;

(c) Within a section entitled "conclusion": A list of conclusions that the board drew from the information related to the transfer proposal;

(d) Within a section entitled "conditional decision": A complete description of the board's conditional decision;

(e) Within a section entitled "provisions":

(i) Conditions and limitations recommended for inclusion in an approval or other corrective action necessary to maintain the water use in compliance with state laws or rules;

(ii) A description of any requirement to mitigate adverse effects on other water rights, the water source, or the public interest; and

(iii) A schedule for development and completion of the transfer to a water right, if approved in part or in whole, that includes a definite date for completion of the transfer and the application of water to authorized beneficial use.

(5) A water conservancy board's conditional decision and certificate is not a final authorization to transfer the water right. Only after ecology has approved the conditional decision and has issued an order authorizing the transfer, or has failed to act within the time frame established in RCW 90.80.080, is the applicant allowed to initiate the transfer of the water right.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-130, filed 11/17/99, effective 12/18/99.]

WAC 173-153-140 Notification of conditional decision. (1) The water conservancy board shall send notice of its conditional decision as to whether the transfer should be approved or denied, by mail to the applicant, ecology, to any person who protested or objected to the transfer, to any persons who requested notice of its conditional decision, and to any commenting agency or tribe. The board shall transmit notification of its conditional decisions to all parties on the same day, and will note that it has been sent to ecology. Ecology shall identify the location designated for submission of the board's conditional decision.

(2) Boards must fully document their process of arriving at a conditional decision regarding water right applications. All original public documents received or developed by a water conservancy board and used during its deliberations for decision making for each application for transfer of a water right must be sent, with a clear copy of the conditional decision, to ecology at the location designated by ecology for per-

manent recordkeeping, within seven working days after the board has rendered its conditional decision. The board must retain a copy of all documents; any documents used in reaching a conditional decision regarding a water right transfer application must not be destroyed or disposed of, except as allowed by state statute.

(3) Any comments or objections that are received by the water conservancy board on its conditional decision within thirty days after a final decision is issued by ecology must be forwarded to ecology within five working days, at the location designated for submission of the board's determination.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-140, filed 11/17/99, effective 12/18/99.]

WAC 173-153-150 Ecology's review of the board's conditional decision. (1) Ecology will review conditional decisions of approvals and denials made by water conservancy boards. Upon receipt of a conditional decision made by a water conservancy board, ecology will review the conditional decision for compliance with state water laws and rules, policies or guidelines. As part of this review, ecology will also consider agency and tribal comments, any protests or objections filed by parties alleging that one or more of their water rights would be impaired by the transfer, and any other comments received regarding the conditional decision by the board.

(2) Ecology may affirm, reverse, or modify the conditional decision of the board. Ecology's decision will be made in the form of a written administrative order and must be issued within forty-five days of receipt of the board's conditional decision. If ecology fails to act within the forty-five-day time period, the board's conditional decision becomes final. The forty-five-day time period may be extended an additional thirty days by ecology's director upon the written consent of the parties to the transfer.

(3) If ecology modifies the conditional decision by the water conservancy board, ecology shall send a notice of modification of the conditional decision that specifies which parts of the conditional decision it was in agreement with, and which parts of the conditional decision it has modified. If ecology reverses the conditional decision by the conservancy board, ecology shall send a notice of reversal of the conditional decision with an explanation of the reversal.

(4) Ecology will send notice of its decision to all parties on the same day. Notice of ecology's decision will be sent by mail within five working days to the water conservancy board, the applicant, any person who protested or intervened before the board, persons who requested notice of its decision, the Washington department of fish and wildlife, and any affected Indian tribe.

(5) If ecology fails to act within the specified time after receipt of the board's conditional decision, the board's action is final. The conservancy board shall notify ecology, the applicant, and any parties that have expressed interest to the conservancy board about the application, of ecology's failure to act. If ecology concurs that the review period has lapsed, ecology will send a notice to the board that the conditional decision is final.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-150, filed 11/17/99, effective 12/18/99.]

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WAC 173-153-160 Perfection of a transfer approval.

(1) When an approved transfer has been perfected, the person authorized to transfer a water right must submit evidence to ecology showing the transfer has been completed in accordance with the order authorizing the transfer of the water right. Ecology will issue a change certificate or a superseding certificate to the water right holder(s) to document that the approved transfer was accomplished upon verification of the extent of development as authorized. When the document is issued, ecology shall provide a copy to the conservancy board for its records if requested. The document will also be recorded at the applicant's expense by the county in which the use of water is made.

(2) If development of the approved transfer is not completed in accordance with the development schedule that accompanies the approval, extensions may be requested and will be processed under standard procedures by ecology.

(3) If the person authorized to transfer a water right fails to accomplish the transfer in accordance with the authorization, ecology will cancel the transfer authorization and the water right will revert to the original configuration, less any quantity that was relinquished for nonuse in connection with ecology's review of the conservancy board's conditional decision.

[Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-160, filed 11/17/99, effective 12/18/99.]

WAC 173-153-170 Reporting requirements. Boards are required to submit reports to ecology on their activities at the end of October of each even-numbered year. The reports must include information about board activities during the previous twenty-four months. The reports shall contain the following information:

(1) Information about applications to the board to include the following:

(a) Number of applications filed with the board by water resources inventory area (WRIA);

(b) Number of applications that received a public hearing to hear intervenors;

(c) Number of conditional decisions approving or partially approving an application;

(d) Number of conditional decisions denying an application;

(e) Number of applications for transfer of surface or ground water;

(f) Number of applications to transfer a claim or certificate;

(g) Number of applications filed directly with the conservancy board, and number transferred from ecology to the board; and

(h) Number of hearings held within other counties when water rights were proposed to be changed between counties.

(2) Operations of the board to include the following:

(a) Chairperson of the board;

(b) Changes in membership of the board, including background and contact information for any new members;

(c) Current fees or changes to previous fees;

(d) Training received other than from ecology;

(e) Ownership of any properties by the conservancy board;

- (f) Water marketing activities and any related fees;
- (g) Number of staff that are employed by, and staff that provide volunteer service to, the board; and
- (h) Any litigation in which the board is involved.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-170, filed 11/17/99, effective 12/18/99.]

WAC 173-153-180 Appeals. Any person aggrieved by ecology's decision to approve or disapprove the establishment of a conservancy board, or ecology's decision to affirm, reverse or modify the determination of a conservancy board on an application for transfer of a water right, may appeal the decision to the state pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-180, filed 11/17/99, effective 12/18/99.]

WAC 173-153-190 Existing rights not affected. Nothing in this chapter is intended to impair any existing water rights.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-190, filed 11/17/99, effective 12/18/99.]

WAC 173-153-200 Review of chapter. This chapter must be reviewed by ecology whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions. In carrying out a review of this chapter, ecology shall consult with existing conservancy boards.

[Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-200, filed 11/17/99, effective 12/18/99.]

Chapter 173-224 WAC

WASTEWATER DISCHARGE PERMIT FEES

WAC

173-224-030	Definitions.
173-224-040	Permit fee schedule.
173-224-050	Permit fee computation and payments.

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means one slaughter or feeder steer, 1.4 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any groundwater infiltration or surface waters that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations*.

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term opera-

tions. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40

CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

[Statutory Authority: Chapter 90.48 RCW. 00-02-031 (Order 99-03), § 173-224-030, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-030, filed 1/15/98, effective 2/15/98; 94-10-027 (Order 93-08), § 173-224-030, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-030, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-030, filed 5/31/89 and 3/13/90, effective 4/13/90.]

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES

	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	*FY 2002 ANNUAL PERMIT FEE AND BEYOND
Aluminum Alloys	\$12,229.00	\$12,580.00	\$12,915.00
Aluminum and Magnesium Reduction Mills			
a. NPDES Permit	72,117.00	74,187.00	76,160.00
b. State Permit	36,060.00	37,095.00	38,082.00
Aluminum Forming	36,687.00	37,740.00	38,744.00
Aggregate Production - Individual Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	2,105.00	2,165.00	2,223.00
2. Nonoperating aggregate site (fee per site)	87.00	89.00	91.00
b. Asphalt Production			
1. 0 - < 50,000 tons/yr.	877.00	902.00	926.00
2. 50,000 - < 300,000 tons/yr.	2,105.00	2,162.00	2,220.00
3. 300,000 tons/yr. and greater	2,631.00	2,707.00	2,779.00
c. Concrete Production			
1. 0 - < 25,000 cu. yds/yr.	877.00	902.00	926.00
2. 25,000 - < 200,000 cu. yds/yr.	2,105.00	2,162.00	2,220.00
3. 200,000 cu. yds/yr. and greater	2,631.00	2,707.00	2,779.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d. Portable Facilities			
1. Portable Rock Crushing Operations	2,105.00	2,165.00	2,223.00
2. Asphalt Portable Batch Plant	2,105.00	2,165.00	2,223.00
3. Concrete Portable Batch Plant	2,105.00	2,165.00	2,223.00
Aggregate Production - General Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	1,473.00	1,515.00	1,555.00
2. Nonoperating aggregate site (fee per site)	61.00	63.00	65.00
b. Asphalt Production			
1. 0 - < 50,000 tons/yr.	614.00	632.00	649.00
2. 50,000 - < 300,000 tons/yr.	1,474.00	1,516.00	1,556.00
3. 300,000 tons/yr. and greater	1,841.00	1,894.00	1,944.00
c. Concrete Production			
1. 0 - < 25,000 cu. yds/yr.	614.00	632.00	649.00
2. 25,000 - < 200,000 cu. yds/yr.	1,474.00	1,516.00	1,556.00
3. 200,000 cu. yds/yr. and greater	1,841.00	1,894.00	2,971.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d. Portable Facilities			

1.	Portable Rock Crushing Operations	1,474.00	1,516.00	1,556.00
2.	Asphalt Portable Batch Plant	1,474.00	1,516.00	1,556.00
3.	Concrete Portable Batch Plant	1,474.00	1,516.00	1,556.00
Aquaculture				
a.	Finfish hatching and rearing - Individual Permit	3,669.00	3,774.00	3,874.00
b.	Finfish hatching and rearing - General Permit Coverage	2,569.00	2,643.00	2,713.00
c.	Shellfish hatching	126.00	130.00	133.00
Boat Yards - Individual Permit Coverage				
a.	With storm water only discharge	313.00	322.00	331.00
b.	All others	627.00	645.00	662.00
Boat Yards - General Permit Coverage				
a.	With storm water only discharge	219.00	225.00	231.00
b.	All others	439.00	452.00	464.00
Coal Mining and Preparation				
a.	< 200,000 tons per year	4,890.00	5,030.00	5,164.00
b.	200,000 - < 500,000 tons per year	11,007.00	11,323.00	11,624.00
c.	500,000 - < 1,000,000 tons per year	19,565.00	20,127.00	20,662.00
d.	1,000,000 tons per year and greater	36,687.00	37,740.00	38,743.00
Combined Industrial Waste Treatment				
a.	< 10,000 gpd	2,446.00	2,516.00	2,583.00
b.	10,000 - < 50,000 gpd	6,114.00	6,289.00	6,456.00
c.	50,000 - < 100,000 gpd	12,229.00	12,580.00	12,914.00
d.	100,000 - < 500,000 gpd	24,458.00	25,160.00	25,829.00
e.	500,000 gpd and greater	36,687.00	37,740.00	38,744.00
Combined Food Processing Waste Treatment Facilities				
Combined Sewer Overflow System				
a.	< 50 acres	2,446.00	2,516.00	2,583.00
b.	50 - < 100 acres	6,114.00	6,289.00	6,456.00
c.	100 - < 500 acres	7,339.00	7,550.00	7,751.00
d.	500 acres and greater	9,783.00	10,064.00	10,332.00
Commercial Laundry				
Concentrated Animal Feeding Operation				
a.	< 200 Animal Units	125.00	129.00	132.00
b.	200 - < 400 Animal Units	313.00	322.00	331.00
c.	400 - < 600 Animal Units	627.00	645.00	662.00
d.	600 - < 800 Animal Units	940.00	967.00	993.00
e.	800 Animal Units and greater	1,254.00	1,290.00	1,324.00
Crop Preparing - Individual Permit Coverage				
a.	0 - < 1,000 bins/yr.	244.00	251.00	258.00
b.	1,000 - < 5,000 bins/yr.	489.00	503.00	516.00
c.	5,000 - < 10,000 bins/yr.	978.00	1,006.00	1,033.00
d.	10,000 - < 15,000 bins/yr.	1,958.00	2,014.00	2,068.00
e.	15,000 - < 20,000 bins/yr.	3,239.00	3,332.00	2,421.00
f.	20,000 - < 25,000 bins/yr.	4,524.00	4,654.00	4,778.00
g.	25,000 - < 50,000 bins/yr.	6,052.00	6,226.00	6,392.00
h.	50,000 - < 75,000 bins/yr.	6,726.00	6,919.00	7,103.00
i.	75,000 - < 100,000 bins/yr.	7,825.00	8,050.00	8,264.00
j.	100,000 - < 125,000 bins/yr.	9,783.00	10,064.00	10,332.00
k.	125,000 - < 150,000 bins/yr.	12,229.00	12,580.00	12,915.00
l.	150,000 bins/yr. and greater	14,675.00	15,096.00	15,498.00
Crop Preparing - General Permit Coverage				
a.	0 - < 1,000 bins/yr.	170.00	175.00	180.00
b.	1,000 - < 5,000 bins/yr.	342.00	352.00	362.00
c.	5,000 - < 10,000 bins/yr.	685.00	705.00	724.00
d.	10,000 - < 15,000 bins/yr.	1,371.00	1,410.00	1,448.00
e.	15,000 - < 20,000 bins/yr.	2,268.00	2,333.00	2,395.00
f.	20,000 - < 25,000 bins/yr.	3,167.00	3,258.00	3,345.00
g.	25,000 - < 50,000 bins/yr.	4,236.00	4,358.00	4,474.00
h.	50,000 - < 75,000 bins/yr.	4,708.00	4,843.00	4,972.00
i.	75,000 - < 100,000 bins/yr.	5,478.00	5,635.00	5,786.00
j.	100,000 - < 125,000 bins/yr.	6,848.00	7,045.00	7,232.00
k.	125,000 - < 150,000 bins/yr.	8,560.00	8,806.00	9,040.00
l.	150,000 bins/yr. and greater	10,272.00	10,567.00	10,848.00
Dairies \$.50 per Animal Unit not to exceed \$878.00 for FY 2000, \$903.00 for FY 2001 and 927.00 for FY 2002				
Facilities Not Otherwise Classified - Individual Permit Coverage				
a.	< 1,000 gpd	1,223.00	1,258.00	1,291.00
b.	1,000 - < 10,000 gpd	2,446.00	2,516.00	2,583.00
c.	10,000 - < 50,000 gpd	6,114.00	6,290.00	6,457.00
d.	50,000 - < 100,000 gpd	9,783.00	10,064.00	10,332.00
e.	100,000 - < 500,000 gpd	19,565.00	20,027.00	20,560.00
f.	500,000 - < 1,000,000 gpd	24,457.00	25,159.00	25,828.00
g.	1,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Facilities Not Otherwise Classified - General Permit Coverage				
a.	< 1,000 gpd	857.00	882.00	905.00

Wastewater Discharge Permit Fees

173-224-040

b.	1,000 - < 10,000 gpd	1,712.00	1,761.00	1,808.00
c.	10,000 - < 50,000 gpd	4,281.00	4,404.00	4,521.00
d.	50,000 - < 100,000 gpd	6,848.00	7,045.00	7,232.00
e.	100,000 - < 500,000 gpd	13,695.00	14,088.00	14,463.00
f.	500,000 - < 1,000,000 gpd	17,120.00	17,611.00	18,079.00
g.	1,000,000 gpd and greater	25,681.00	26,418.00	27,121.00
Flavor Extraction				
a.	Steam Distillation	125.00	129.00	132.00
Food Processing				
a.	< 1,000 gpd	1,222.00	1,257.00	1,290.00
b.	1,000 - < 10,000 gpd	3,118.00	3,207.00	3,292.00
c.	10,000 - < 50,000 gpd	5,564.00	5,724.00	5,876.00
d.	50,000 - < 100,000 gpd	8,743.00	8,994.00	9,232.00
e.	100,000 - < 250,000 gpd	12,229.00	12,580.00	12,915.00
f.	250,000 - < 500,000 gpd	16,081.00	16,543.00	16,983.00
g.	500,000 - < 750,000 gpd	20,177.00	20,756.00	21,308.00
h.	750,000 - < 1,000,000 gpd	24,457.00	25,159.00	25,828.00
i.	1,000,000 - < 2,500,000 gpd	29,961.00	30,821.00	31,641.00
j.	2,500,000 - < 5,000,000 gpd	33,629.00	34,594.00	35,514.00
k.	5,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Fuel and Chemical Storage				
a.	< 50,000 bbls	1,223.00	1,258.00	1,291.00
b.	50,000 - < 100,000 bbls	2,446.00	2,516.00	2,583.00
c.	100,000 - < 500,000 bbls	6,114.00	6,289.00	6,456.00
d.	500,000 bbls and greater	12,229.00	12,580.00	12,915.00
Hazardous Waste Clean Up Sites				
a.	Leaking Underground Storage Tanks (LUST)			
1.	State Permit	3,208.00	3,300.00	3,388.00
2.	NPDES Permit Issued pre 7/1/94	3,208.00	3,300.00	3,338.00
3.	NPDES Permit Issued post 7/1/94	6,415.00	6,599.00	6,775.00
b.	Non-LUST Sites			
1.	1 or 2 Contaminants of concern	6,272.00	6,452.00	6,624.00
2.	> 2 Contaminants of concern	12,542.00	12,902.00	13,245.00
Ink Formulation and Printing				
a.	Commercial Print Shops	1,881.00	1,935.00	1,986.00
b.	Newspapers	3,136.00	3,226.00	3,312.00
c.	Box Plants	5,017.00	5,161.00	5,298.00
d.	Ink Formulation	6,272.00	6,452.00	6,624.00
Inorganic Chemicals Manufacturing				
a.	Lime Products	6,114.00	6,289.00	6,456.00
b.	Fertilizer	7,361.00	7,572.00	7,773.00
c.	Peroxide	9,783.00	10,064.00	10,332.00
d.	Alkaline Earth Salts	12,229.00	12,580.00	12,915.00
e.	Metal Salts	17,119.00	17,610.00	18,078.00
f.	Acid Manufacturing	24,457.00	25,159.00	25,829.00
g.	Chlor-alkali	48,916.00	50,320.00	51,659.00
Iron and Steel				
a.	Foundries	12,229.00	12,580.00	12,915.00
b.	Mills	24,479.00	25,181.00	25,851.00
Metal Finishing				
a.	< 1,000 gpd	1,466.00	1,508.00	1,548.00
b.	1,000 - < 10,000 gpd	2,445.00	2,515.00	2,582.00
c.	10,000 - < 50,000 gpd	6,113.00	6,288.00	6,455.00
d.	50,000 - < 100,000 gpd	12,228.00	12,579.00	12,914.00
e.	100,000 - < 500,000 gpd	24,456.00	25,158.00	25,827.00
f.	500,000 gpd and greater	36,685.00	37,738.00	38,742.00
Noncontact Cooling Water With Additives - Individual Permit Coverage				
a.	< 1,000 gpd	765.00	787.00	808.00
b.	1,000 - < 10,000 gpd	1,528.00	1,572.00	1,614.00
c.	10,000 - < 50,000 gpd	2,294.00	2,360.00	2,423.00
d.	50,000 - < 100,000 gpd	5,351.00	5,505.00	5,651.00
e.	100,000 - < 500,000 gpd	9,171.00	9,434.00	9,685.00
f.	500,000 - < 1,000,000 gpd	12,995.00	13,368.00	13,724.00
g.	1,000,000 - < 2,500,000 gpd	16,816.00	17,299.00	17,759.00
h.	2,500,000 - < 5,000,000 gpd	20,634.00	21,226.00	21,791.00
i.	5,000,000 gpd and greater	24,457.00	25,159.00	25,828.00
Noncontact Cooling Water With Additives - General Permit Coverage				
a.	< 1,000 gpd	536.00	552.00	567.00
b.	1,000 - < 10,000 gpd	1,069.00	1,100.00	1,129.00
c.	10,000 - < 50,000 gpd	1,606.00	1,652.00	1,696.00
d.	50,000 - < 100,000 gpd	3,746.00	3,854.00	3,957.00
e.	100,000 - < 500,000 gpd	6,420.00	6,604.00	6,780.00
f.	500,000 - < 1,000,000 gpd	9,097.00	9,358.00	9,607.00
g.	1,000,000 - < 2,500,000 gpd	11,771.00	12,109.00	12,431.00
h.	2,500,000 - < 5,000,000 gpd	14,444.00	14,858.00	15,253.00

i.	5,000,000 gpd and greater	17,120.00	17,611.00	18,079.00
Noncontact Cooling Water Without Additives - Individual Permit Coverage				
a.	< 1,000 gpd	612.00	630.00	647.00
b.	1,000 - < 10,000 gpd	1,223.00	1,258.00	1,291.00
c.	10,000 - < 50,000 gpd	1,835.00	1,888.00	1,938.00
d.	50,000 - < 100,000 gpd	4,281.00	4,404.00	4,521.00
e.	100,000 - < 500,000 gpd	7,339.00	7,550.00	7,751.00
f.	500,000 - < 1,000,000 gpd	10,394.00	10,692.00	10,981.00
g.	1,000,000 - < 2,500,000 gpd	13,452.00	13,838.00	14,206.00
h.	2,500,000 - < 5,000,000 gpd	16,508.00	16,982.00	17,434.00
i.	5,000,000 gpd and greater	19,565.00	20,127.00	20,662.00
Noncontact Cooling Water Without Additives - General Permit Coverage				
a.	< 1,000 gpd	428.00	441.00	453.00
b.	1,000 - < 10,000 gpd	857.00	882.00	905.00
c.	10,000 - < 50,000 gpd	1,284.00	1,321.00	1,356.00
d.	50,000 - < 100,000 gpd	2,996.00	3,082.00	3,164.00
e.	100,000 - < 500,000 gpd	5,137.00	5,284.00	5,425.00
f.	500,000 - < 1,000,000 gpd	7,276.00	7,485.00	7,684.00
g.	1,000,000 - < 2,500,000 gpd	9,417.00	9,687.00	9,945.00
h.	2,500,000 - < 5,000,000 gpd	11,556.00	11,888.00	12,204.00
i.	5,000,000 gpd and greater	13,695.00	14,088.00	14,623.00
Nonferrous Metals Forming				
		12,229.00	12,580.00	12,915.00
Ore Mining				
a.	Ore Mining	2,446.00	2,516.00	2,583.00
b.	Ore mining with physical concentration processes	4,891.00	5,031.00	5,165.00
c.	Ore mining with physical and chemical concentration processes	19,565.00	20,127.00	20,662.00
Organic Chemicals Manufacturing				
a.	Fertilizer	12,229.00	12,580.00	12,915.00
b.	Aliphatic	24,457.00	25,159.00	25,828.00
c.	Aromatic	36,687.00	37,740.00	38,744.00
Petroleum Refining				
a.	< 10,000 bbls/d	24,457.00	25,159.00	25,828.00
b.	10,000 - < 50,000 bbls/d	48,916.00	50,320.00	51,659.00
c.	50,000 bbls/d and greater	97,835.00	100,643.00	103,320.00
Photofinishers				
a.	< 1,000 gpd	978.00	1,006.00	1,034.00
b.	1,000 gpd and greater	2,446.00	2,516.00	2,583.00
Power and/or Steam Plants				
a.	Steam Generation - Nonelectric	4,890.00	5,030.00	5,164.00
b.	Hydroelectric	4,890.00	5,030.00	5,164.00
c.	Nonfossil Fuel	7,338.00	7,549.00	7,750.00
d.	Fossil Fuel	19,565.00	20,127.00	20,662.00
Pulp, Paper and Paper Board				
a.	Fiber Recyclers	12,228.00	12,579.00	12,914.00
b.	Paper Mills	24,457.00	25,159.00	25,828.00
c.	Groundwood Pulp Mills			
	1. < 300 tons per day	36,687.00	37,740.00	38,744.00
	2. > 300 tons per day	73,373.00	75,479.00	77,487.00
d.	Chemical Pulp Mills w/o Chlorine Bleaching	97,829.00	100,637.00	103,314.00
e.	Chemical Pulp Mills w/Chlorine Bleaching	110,057.00	113,216.00	116,228.00
Radioactive Effluents and Discharges (RED)				
a.	< 3 waste streams	23,674.00	24,353.00	25,001.00
b.	3 - < 8 waste streams	41,087.00	42,266.00	43,390.00
c.	8 waste streams and greater	67,672.00	69,614.00	71,466.00
RCRA Corrective Action Sites				
		17,189.00	17,682.00	18,152.00
Seafood Processing				
a.	< 1,000 gpd	1,223.00	1,258.00	1,291.00
b.	1,000 - < 10,000 gpd	3,118.00	3,207.00	3,292.00
c.	10,000 - < 50,000 gpd	5,564.00	5,724.00	5,876.00
d.	50,000 - < 100,000 gpd	8,743.00	8,994.00	9,233.00
e.	100,000 gpd and greater	12,229.00	12,580.00	12,915.00
Shipyards				
a.	Per crane, travel lift, small boat lift	2,446.00	2,516.00	2,583.00
b.	Per drydock under 250 ft in length	2,446.00	2,516.00	2,583.00
c.	Per graving dock	2,446.00	2,516.00	2,583.00
d.	Per marine way	3,669.00	3,774.00	3,874.00
e.	Per sycrolift	3,669.00	3,774.00	3,874.00
f.	Per drydock over 250 ft in length	4,891.00	5,031.00	5,165.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.				
Solid Waste Sites (nonstorm water)				
a.	Nonputrescible	4,891.00	5,031.00	5,165.00
b.	< 50 acres	9,783.00	10,063.00	10,331.00

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c.	50 - < 100 acres	19,565.00	20,127.00	20,662.00
d.	100 - < 250 acres	24,457.00	25,159.00	25,828.00
e.	250 acres and greater	36,687.00	37,740.00	38,744.00
Storm Water (Unless specifically categorized elsewhere.)				
a.	Individual Industrial Permits			
1.	< 50 acres	2,446.00	2,516.00	2,583.00
2.	50 - < 100 acres	4,891.00	5,031.00	5,165.00
3.	100 - < 500 acres	7,338.00	7,549.00	7,750.00
4.	500 acres and greater	9,783.00	10,064.00	10,332.00
b.	Facilities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00
c.	Construction activities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00
Textile Mills		48,916.00	50,320.00	51,659.00
Timber Products				
a.	Log Storage	2,446.00	2,516.00	2,583.00
b.	Veneer	4,891.00	5,031.00	5,165.00
c.	Sawmills	9,783.00	10,064.00	10,332.00
d.	Hardwood, Plywood	17,119.00	17,610.00	18,078.00
e.	Wood Preserving	24,457.00	24,159.00	24,802.00
Vegetable/Bulb Washing Facilities				
a.	< 1,000 gpd	81.00	83.00	85.00
b.	1,000 - < 5,000 gpd	162.00	167.00	171.00
c.	5,000 - < 10,000 gpd	322.00	331.00	340.00
d.	10,000 - < 20,000 gpd	648.00	667.00	685.00
e.	20,000 and greater	1,072.00	1,103.00	1,132.00
Vehicle Maintenance and Freight Transfer				
a.	< 0.5 acre	2,446.00	2,516.00	2,583.00
b.	0.5 - < 1.0 acre	4,891.00	5,031.00	5,165.00
c.	1.0 acre and greater	7,338.00	7,549.00	7,750.00
Water Plants - Individual Permit Coverage		3,058.00	3,146.00	3,230.00
Water Plants - General Permit Coverage		2,141.00	2,202.00	2,261.00
Wineries				
a.	< 500 gpd	250.00	257.00	
b.	500 - < 750 gpd	501.00	515.00	518.00
c.	750 - < 1,000 gpd	1,001.00	1,030.00	
d.	1,000 - < 2,500 gpd	2,001.00	2,058.00	2,113.00
e.	2,500 - < 5,000 gpd	3,191.00	3,283.00	3,370.00
f.	5,000 gpd and greater	4,380.00	4,506.00	4,626.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in oper-

ation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using

(i)	Residential Equivalents (RE)	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
	< 250,000	\$ 1.51 per RE	\$ 1.59 per RE	\$ 1.59 per RE
	> 250,000	.91 per RE	.97 per RE	.97 per RE

*Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

(ii) Municipal storm water permit annual fee for only those entities listed below will be:

Name of Entity	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
King County	\$ 27,856.00	\$ 28,655.00	\$29,417.00
Snohomish County	27,856.00	28,655.00	29,417.00
Pierce County	27,856.00	28,655.00	29,417.00
Tacoma, City of	27,856.00	28,655.00	29,417.00
Seattle, City of	27,856.00	28,655.00	29,417.00
Department of Transportation	27,856.00	28,655.00	29,417.00
Clark County	27,856.00	28,655.00	29,417.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
.1 MGD and Greater	\$6,114.00	\$6,289.00	\$6,456.00
.05 MGD to < .1 MGD	2,446.00	2,516.00	2,583.00
.0008 MGD to < .05 MGD	1,223.00	1,258.00	1,291.00
< .0008 MGD	367.00	378.00	388.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-

family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine

hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

[Statutory Authority: Chapter 90.48 RCW. 00-02-031 (Order 99-03), § 173-224-040, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-040, filed 1/15/98, effective 2/15/98; 96-03-041 (Order 94-21), § 173-224-040, filed 1/10/96, effective 2/10/96; 94-10-027 (Order 93-08), § 173-224-040, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-040, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-040, filed 5/31/89 and 3/13/90, effective 4/13/90.]

WAC 173-224-050 Permit fee computation and payments. (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as follows unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit begins on the permit coverage date. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees pro-

rated as described in subsection (2)(a), (b), (c) and (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee

will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. The department will notify the delinquent permit holder by certified letter of its intent to turn the delinquent account over to a collection agency. Permit holders will have thirty days from receipt of the certified letter to bring the account up-to-date before the department turns it over for collection. Any delinquent account turned over for collection will be assessed a surcharge totaling twenty percent of the delinquent amount owed. The surcharge assessment is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department will terminate the permit for nonpayment of fees.

[Statutory Authority: Chapter 90.48 RCW. 00-02-031 (Order 99-03), § 173-224-050, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-050, filed 1/15/98, effective 2/15/98; 96-03-041 (Order 94-21), § 173-224-050, filed 1/10/96, effective 2/10/96; 94-10-027 (Order 93-08), § 173-224-050, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-050, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-050, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**Chapter 173-230 WAC
CERTIFICATION OF OPERATORS OF
WASTEWATER TREATMENT PLANTS**

WAC

173-230-010	What is the purpose of this regulation?
173-230-020	Definitions.
173-230-030	Repealed.
173-230-040	To whom does this rule apply?
173-230-050	Repealed.
173-230-061	Levels of certificates and qualifications.
173-230-065	How do I apply?
173-230-070	Examination.
173-230-080	Certificate term and renewal conditions.
173-230-090	Fees.
173-230-100	Suspension and revocation of a certificate.
173-230-110	Reciprocity.

173-230-120	Appeals.
173-230-130	Violations.
173-230-140	Classification of wastewater treatment plants.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

173-230-030	Duties of the board. [Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-030, filed 10/23/87; 78-11-016 (Order DE 78-16), § 173-230-030, filed 10/11/78; Order 73-30, § 173-230-030, filed 11/9/73.] Repealed by 99-24-117 (Order 98-18), filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 70.95B RCW.
173-230-050	Certification prerequisites. [Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-050, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-050, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-050, filed 10/11/78; Order 73-30, § 173-230-050, filed 11/9/73.] Repealed by 99-24-117 (Order 98-18), filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 70.95B RCW.

WAC 173-230-010 What is the purpose of this regulation? When wastewater treatment plants are properly operated, public health and the state's waters are protected. Operators must meet minimum standards to assure they are competent to operate and maintain wastewater treatment plants. This rule establishes the requirements for obtaining a wastewater certificate and for the level of certificate required for an operator in responsible charge of a treatment plant. An operator in responsible charge of a wastewater treatment plant must be certified at a level that is equal to or greater than the classification of the wastewater treatment plant.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-010, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-010, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-010, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-010, filed 10/11/78; Order 73-30, § 173-230-010, filed 11/9/73.]

WAC 173-230-020 Definitions. (1) "Activated sludge process" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation and wasted or returned to the process as needed.

(2) "Biofiltration" means the process of passing a liquid through a biological filter that contains fixed media on surfaces which develop zoogeal films that absorb and adsorb fine suspended, colloidal, and dissolved solids and release end products of biochemical action.

(3) "Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator's certification program.

(4) "Certificate holder" means the individual to whom a certificate is issued.

(5) "CEU" means continuing education unit that is a nationally recognized unit of measurement similar to college credit. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

(6) "College credits" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. College credit also means CEUs. Forty-five CEUs equals forty-five quarter credits equals thirty semester credits.

(7) "Department" means the Washington state department of ecology.

(8) "Director" means the director of the department of ecology or the director's designee.

(9) "Extended aeration" means a modification of the activated sludge process that uses long aeration periods and long mean cell residence times for aerobic digestion of the biological mass by endogenous respiration and promotes the growth of nitrifying organisms.

(10) "GED" means a General Education Development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.

(11) "Group" and "class" for the purpose of operator certification and wastewater treatment plant classification are the same.

(12) "Lagoon" means any large holding or detention pond, usually with earthen dikes that is used to contain wastewater while sedimentation and biological stabilization occurs.

(13) "OIT" means operator-in-training. This is the entry level certification classification offered by the department.

(14) "Operating experience" means the routine performance of duties, on-site in a wastewater treatment plant, that affect plant performance or effluent quality.

(15) "Operator" means an individual who performs routine duties, on-site at a wastewater treatment plant, that affect plant performance or effluent quality.

(16) "Operator in charge of each shift" means the individual on-site at a wastewater treatment plant whose primary responsibility is to operate the wastewater treatment plant on a regularly run shift. The operator in charge of each shift is subordinate to the operator in responsible charge.

(17) "Operator in responsible charge" means the individual who is routinely on-site and in direct charge of the overall operation of a wastewater treatment plant.

(18) "Owner" means in the case of:

- A town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

- A county, the chairman of the county legislative authority or the chairman's designee;

- A sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee;

- A privately owned wastewater treatment plant, the legal owner.

(19) "Primary wastewater treatment" means unit processes consisting of one or more of the following: Screening, comminution and grinding, flotation, precipitation, sludge pumping, and disinfection. Treatment consists of clarification followed by removal, treatment, and disposal of sludge.

(20) "Reciprocity" means the exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a written examination for an equivalent level of certification without further examination.

(21) "Tertiary" means advanced physical/chemical or biological treatment of wastewater significantly beyond the conventional secondary stage to remove additional suspended and dissolved substances. These substances may include phosphorus and nitrogen, a high percentage of suspended solids, dissolved inorganic solids, toxic compounds, microorganisms, and complex organic compounds.

(22) "Wastewater certification program coordinator" means an employee of the department who is appointed by the director and who administers the wastewater treatment plant operator certification program.

(23) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.

(24) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and that, by its design, requires the presence of an operator for its operation. It does not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

(25) "Wetlands treatment" means those wetlands intentionally constructed and managed for the primary purpose of wastewater treatment.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-020, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-020, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-020, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-020, filed 10/11/78; Order 73-30, § 173-230-020, filed 11/9/73.]

WAC 173-230-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-230-040 To whom does this rule apply?

This rule applies to anyone who owns or operates a wastewater treatment plant.

The operator in charge of the wastewater treatment plant must be certified at least at a level equal to or higher than the classification of the plant. When the plant is operated on more than one daily shift, the operator in charge of each shift must be certified at a level not lower than one level below the classification of the plant.

All individuals operating wastewater treatment plants who are not required to be certified are encouraged to seek certification.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-040, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-040, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-040, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-040, filed 10/11/78; Order 73-30, § 173-230-040, filed 11/9/73.]

WAC 173-230-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-230-061 Levels of certificates and qualifications. (1) There are five levels of certification offered by

the department to individuals who meet minimum qualifications. Those minimum qualifications include required levels of education and experience.

(2)

Qualification Requirements for Operator Certification				
Certification level	Education required	Experience required	Substitutions allowed for education	Substitutions allowed for experience
Operator-in-Training	High school diploma or GED	3 months	One year of excess operating experience may be used for one year of high school or two years of grade school.	May use 3 college credits or CEUs in course work related to wastewater treatment plant operation for experience.
Group I	High school diploma or GED	1 year	One year of excess operating experience may be used for one year of high school or two years of grade school.	None.
Group II	High school diploma or GED	3 years	One year of excess operating experience may be used for one year of high school or two years of grade school.	May use relevant work experience or credits or CEUs for one year and six months of the operating experience.
Group III	High school diploma or GED and 2 years of college (90 credits or CEUs)	4 years with at least 2 years operating experience at a Class II plant	May use excess operating experience for college at a rate of one year of excess operating experience for half of the college (one year). Three years of excess operating experience may be used for the second year of college.	May use relevant work experience and/or excess credits for 2 years of the operating experience.
Group IV	High school diploma or GED and 4 years of college (180 credits or CEUs)	4 years with at least 2 years at a Class III plant	May use excess operating experience for college at a rate of one year of excess operating experience for one year of college for up to half of the college (two years). Three years of excess operating experience may be substituted for one year of college. This rate may be used for the remaining two years of college.	May use excess operating experience for credits. May use related work experience and/or excess credits for 2 years of the operating experience.

(3) Relevant work experience may be substituted for up to one-half of the operating experience required to qualify for the Group II, III and IV levels. This includes:

- (a) Environmental or operations consultant;
- (b) Environmental or an engineering branch of federal, state, county, or local government;
- (c) Wastewater collection system operator;
- (d) Water distribution system operator and/or manager;
- (e) Wastewater pump station operator; or
- (f) Water treatment plant operator.

Other related work experience may include building and equipment maintenance, boiler operation, machinist, laboratory technician, engineering, welding, or other related fields on a case-by-case basis with a written description of the duties performed on the job by the applicant.

(4) College credits substituted for an operating experience requirement cannot also be applied to the education requirement.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-061, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW

70.95B.040. 87-22-006 (Order 87-36), § 173-230-061, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-061, filed 4/16/82.]

WAC 173-230-065 How do I apply? Any person seeking certification must submit a completed application and fees to the department. Application forms are available from the wastewater certification program coordinator.

Applicants must meet minimum education and experience requirements to be eligible for examination or reciprocity. Applicants accepted for examination will be scheduled and notified of the date, place, time, and cost of the examination.

If the application is denied, the applicant will be notified of the reason for the denial.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-065, filed 12/1/99, effective 1/1/00.]

WAC 173-230-070 Examination. (1) The department will use written examinations to determine the competency of

operators. If examinations are prepared by an organization other than the department, the applicant shall pay any costs associated with the use of the exam.

(2) Examinations will be held at least three times annually at places and times set by the department.

(3) The wastewater certification program coordinator or designee will score all exams. The applicant will be notified of the score. Examinations will not be returned to the applicant.

(4) Certificates will be issued to applicants who pass a written examination.

(5) An applicant who fails to pass the examination must reapply for further examination. No individual will be allowed to retake the same examination more than twice consecutively.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-070, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-070, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-070, filed 4/16/82; Order 73-30, § 173-230-070, filed 11/9/73.]

WAC 173-230-080 Certificate term and renewal conditions. An owner may request a temporary certificate for an individual when the designated certified operator unexpectedly vacates the position. This request must be made in writing to the wastewater certification coordinator and must include an application and fee. The department may issue a temporary certificate at its discretion. A temporary certificate may not exceed a one-year period, is nonrenewable, and cannot be transferred to another individual.

(1) Except for a temporary certificate, a certificate is valid from January 1 until December 31 of the same year or the year designated by the department.

(2) Except for a temporary certificate, a certificate is renewable only when the certificate holder demonstrates and provides documentation to the department of continued professional growth in the field. The department will mail renewal notices to all certificate holders eligible to renew before the certificate expires.

(3) Each certificate holder must accomplish one of the following activities during a three-year period ending December 31, 1979, and each three-year period after that date.

(a) Accumulate a minimum of three CEUs or college credits in coursework relevant to the field;

(b) Advance by exam to a higher level of certification in Washington's wastewater treatment plant operator's certification program. Advancement from OIT to Group I certification will not fulfill this requirement;

(c) Achieve certification by examination in the waterworks certification program administered by the Washington department of health in the water treatment plant operator, water distribution manager, or the cross connection control specialist classifications;

(d) Achieve certification by examination or advance by examination to a higher level in Washington's voluntary wastewater collection system operator's certification program administered by the Washington Wastewater Collection System Personnel Association.

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(4) It is the responsibility of each certificate holder to meet the professional growth requirement and document that growth to the department before December 31 of the last year of the three-year period described in subsection (3) of this section. The department will mail a written notice to each certificate holder who has not fulfilled the continued professional growth requirement. If this requirement is not satisfied, the certificate is not renewable. Failure to renew a certificate for any reason will be handled as described in WAC 173-230-100.

(5) The department may collect renewal fees for a period not to exceed three calendar years. The department will notify certificate holders who are eligible for renewal as described in subsection (2) of this section the amount of fees owed and the date the fees must be paid.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-080, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-080, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-080, filed 4/16/82; Order 73-30, § 173-230-080, filed 11/9/73.]

WAC 173-230-090 Fees. (1) Applications for certification by examination or reciprocity or a temporary certificate will be accepted for processing only when accompanied by a fee of fifty dollars.

(2) Applications for reexamination will be accepted for processing only when accompanied by an application fee. The department may waive a portion of the application fee for reexamination.

(3) Application fees are nonrefundable.

(4) Applications for certificate renewals will be accepted for processing only when accompanied by a renewal fee of thirty dollars for each year of renewal.

(5) All receipts will be paid into the state general fund.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-090, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.090 (1) and (2) and chapter 70.95B RCW. 91-13-058 (Order 90-61), § 173-230-090, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-090, filed 10/23/87; 78-11-016 (Order DE 78-16), § 173-230-090, filed 10/11/78; Order 73-30, § 173-230-090, filed 11/9/73.]

WAC 173-230-100 Suspension and revocation of a certificate. (1) When a certificate is not renewed, the director will notify the certificate holder that the certificate is suspended for sixty days. If the certificate is not renewed during the suspension period, the director will mail a written notice of revocation to the owner of the wastewater treatment plant employing the individual as last known by the department and to the certificate holder at the address last known by the department. The notice of revocation mailed to the certificate holder will be sent by certified mail. If, during the revocation notice period, the certificate is not renewed, the certificate will be revoked ten days after the notice is mailed.

(2) Certificates may also be revoked when the director finds:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater 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 will be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, been advised of the reason and been given an opportunity to appear before the director and be heard on the matter.

(4) A certificate will be suspended immediately when the director is notified by the department of social and health services that a person is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, the certificate will be reissued when the director is notified by the department of social and health services that the person is in compliance with the order.

If a certificate is revoked, the individual must meet all conditions of certification including application, fees, and passing a written examination to become certified.

(5) If revocation was made due to subsection (2) of this section, the operator will not be eligible to reapply for a certificate for one year from the date the revocation became final.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-100, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-100, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-100, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-100, filed 10/11/78; Order 73-30, § 173-230-100, filed 11/9/73.]

WAC 173-230-110 Reciprocity. The director may waive examinations for applicants holding valid wastewater treatment plant operators certificates or licenses issued by other states that have equivalent standards as determined by the department or its designee.

(1) Applications for reciprocity will be considered for approval only when the department receives confirmation from the certifying authority of the state or province in which the applicant is certified that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the department or its designee.

(2) Certificates will be issued to each reciprocity applicant who meets the minimum education and experience requirements for the certification level requested and who passes a written examination comparable to Washington's exam as determined and approved by the director.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-110, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-110, filed 10/23/87. Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-110, filed 4/16/82; 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 days from the date of notice to the pollution control hearings board as required by chapter 43.21B RCW and chapter 371-08 WAC.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-120, filed 12/1/99, effective 1/1/00; 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 constitutes a separate offense. Upon conviction, violators are subject to fines not exceeding one hundred dollars for each offense. Injunctions may be obtained for continuing violations.

[Statutory Authority: Chapter 70.95B RCW. 99-24-117 (Order 98-18), § 173-230-130, filed 12/1/99, effective 1/1/00; Order 73-30, § 173-230-130, filed 11/9/73.]

WAC 173-230-140 Classification of wastewater treatment plants. The director shall classify all wastewater treatment plants according to the following criteria.

Treatment Plant Classification Criteria		
Treatment type	Design flow MGD	Classification
Primary	≤ 1	I
	> 1 ≤ 10	II
	> 10 ≤ 20	III
	> 20	IV
Lagoon (Non-aerated)	All	I
Lagoon (Aerated)	≤ 1	I
	> 1	II
Biofiltration	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV
Extended aeration	≤ 5	II
	> 5	III
Activated sludge	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV
Wetlands	≤ 1	I
	> 1 ≤ 5	II
	> 5	III
Tertiary	≤ 5	III
	> 5	IV

Plants may be classified in a group different than indicated in this section if:

(1) They have characteristics that make operation less complex or more difficult than other similar plants of the same flow range; or

(2) The conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control; or

(3) They use an approved method of wastewater treatment that is not included in this section.

Beginning January 2000, the department may issue a one-time provisional certificate to the certified operator in responsible charge of a plant or the certified operator in charge of a shift at the plant only if the plant's rating level

increased solely due to the adoption of the treatment type and design flow rating system. The provisional certificate will not apply if the rating of a plant increases due to an upgrade, to a change to treatment processes, or to flow. The provisional certificate will be issued only for the operation of a specific plant and may not be transferred if that certified operator leaves employment with that plant.

The holder of a provisional certificate must continue to meet all certificate renewal requirements.

[Statutory Authority: Chapter 70.95B RCW, 99-24-117 (Order 98-18), § 173-230-140, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 70.95B.040, 87-22-006 (Order 87-36), § 173-230-140, filed 10/23/87; 78-11-016 (Order DE 78-16), § 173-230-140, filed 10/11/78; Order 73-30, § 173-230-140, filed 11/9/73.]

Chapter 173-325 WAC

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

WAC

- 173-325-020 Definitions.
- 173-325-030 Requirements for generators and brokers.
- 173-325-040 Requirements for site operator.
- 173-325-050 Effective dates.

WAC 173-325-020 Definitions. (1) "Site" means the commercial low-level radioactive waste disposal site located near Richland, Washington.

(2) "Low-level radioactive waste" means radioactive material that:

(a) Is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(3)(2))); and

(b) The Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

(3) "Northwest compact region" means the states of Washington, Oregon, Idaho, Utah, Montana, Alaska, and Hawaii.

(4) "Southeast compact region" means the states of South Carolina, North Carolina, Virginia, Tennessee, Florida, Mississippi, Alabama, and Georgia.

(5) "Rocky Mountain compact region" means the states of Nevada, Colorado, Wyoming, and New Mexico.

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

(7) "P.L. 99-240" means the Federal Low-Level Radioactive Waste Policy Amendments Act of 1985, 99 Stat. 1842.

[Statutory Authority: RCW 43.200.180 and 43.200.070, 99-22-078 (Order 99-21), § 173-325-020, filed 11/2/99, effective 12/3/99. Statutory Authority: 1986 c 2 § 5, 86-15-008 (Order 86-14), § 173-325-020, filed 7/7/86.]

WAC 173-325-030 Requirements for generators and brokers. (1) Any generator or broker shipping waste that originated outside the northwest compact region for disposal at the site shall pay to the state of Washington a surcharge as follows:

(a) From March 1, 1986 through December 31, 1987, \$10 per cubic foot of waste.

(b) From January 1, 1988 through December 31, 1989, \$20 per cubic foot of waste.

(c) From January 1, 1990, through December 31, 1992, \$40 per cubic foot of waste.

(2) In addition, the department may impose penalty surcharges up to the maximum extent allowed by P.L. 99-240.

(3) Surcharge payments must be mailed or electronically transferred no later than the day the respective waste shipment leaves the state of origin. In the lower left hand corner of the check, the valid site use permit number and shipment manifest number must be recorded. For electronic transfers, the valid site use permit number, and shipment manifest number, followed by the name of the facility (limited to 35 characters) must be transmitted at the time of the transfer. A copy of the face of the check, or of the receipt for wire transfer must be attached to the shipping manifest when the shipment arrives at the disposal site.

(4) Surcharge payment may be made by a check payable to the state of Washington or by electronic transfer. Checks should be mailed to:

"LLW SURCHARGE"
Cashier
Fiscal Office
Department of Ecology
P.O. Box 5128
Olympia, WA 98509-5128

Electronic transfers should be directed to:

State Treasurer
Concentration Account
Seafirst National Bank
P.O. Box 24678
Seattle, WA 98124
Account #125000024

(5) Prenotification forms (#A-1 and #B-1) are no longer required.

(6) Brokers are required to attach to the shipping manifest a tabulated list of those generators whose waste is being shipped. The tabulated list must include the following information in the format specified:

Date of Shipment:					
Valid Site Use Permit #	Generator	State	Compact Region	Volume	Surcharge

(7) Any generator or broker shipping waste that was originally generated in the southeast compact region for disposal at the site must attach to the shipping manifest a copy of the letter granting certification to export waste from the southeast compact region.

(8) Any generator or broker shipping waste that was originally generated in the Rocky Mountain compact region for disposal at the site must attach to the shipping manifest a copy of the letter granting approval to export waste from the Rocky Mountain compact region.

(9) Violation of any of these requirements may result in revocation of a generator's or broker's Washington State site use permit. Upon revocation of a site use permit, subsequent reissuance may be conditioned upon agreement to comply with appropriate conditions, such as a condition that surcharge payments be made by certified or cashier's check, and be received in advance, and a condition that the state of

Washington be provided specific information at least three days before the shipment.

[Statutory Authority: RCW 43.200.180 and 43.200.070. 99-22-078 (Order 99-21), § 173-325-030, filed 11/2/99, effective 12/3/99. Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-030, filed 7/7/86.]

WAC 173-325-040 Requirements for site operator.

(1) For each waste shipment for which a surcharge is due (as required by WAC 173-325-030 (1)-(2)), arriving at the facility, obtain a copy of the surcharge payment check or receipt of electronic wire transfer before receiving the waste shipment for disposal.

(2) For each waste shipment of a broker arriving at the facility, obtain the written information required by WAC 173-325-030(5) before receiving the waste shipment for disposal.

(3) For each waste shipment that contains waste that was originally generated in the southeast compact region arriving at the facility, obtain a copy of the letter granting certification to export waste from the southeast compact region.

(4) For each waste shipment that contains waste that was originally generated in the Rocky Mountain compact region arriving at the facility, obtain a copy of the letter granting approval to export waste from the Rocky Mountain compact region.

(5) Provide to the Washington state department of ecology information on each waste shipment received for disposal at the facility, as requested by the department.

[Statutory Authority: RCW 43.200.180 and 43.200.070. 99-22-078 (Order 99-21), § 173-325-040, filed 11/2/99, effective 12/3/99. Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-040, filed 7/7/86.]

WAC 173-325-050 Effective dates. This chapter shall take effect April 21, 1986, (1) except the requirements in WAC 173-325-030 (1)-(2), which took effect March 1, 1986, and (2) WAC 173-325-040(3), which takes effect immediately.

[Statutory Authority: RCW 43.200.180 and 43.200.070. 99-22-078 (Order 99-21), § 173-325-050, filed 11/2/99, effective 12/3/99. Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-050, filed 7/7/86.]

Chapter 173-422 WAC

MOTOR VEHICLE EMISSION INSPECTION

WAC

173-422-130	Inspection fees.
173-422-160	Fleet and diesel owner vehicle testing requirements.
173-422-170	Exemptions.

WAC 173-422-130 Inspection fees. At an inspection facility operated under contract to the state, the fee for the first emission inspection on each vehicle applicable to a vehicle license year shall be fifteen or less dollars. If the vehicle fails, one reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the reinspection is applicable to the same vehicle license year. Any additional reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of fifteen or less dollars.

[Statutory Authority: RCW 70.120.080, 70.120.170 (4)(a), 46.16.015 (2)(h) and 70.120.120. 99-24-021 (Order 99-19), § 173-422-130, filed 11/22/99,

effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. 94-05-039 (Order 93-10), § 173-422-130, filed 2/8/94, effective 3/11/94. Statutory Authority: RCW 70.120.170 (4)(a). 93-20-010 (Order 93-15), § 173-422-130, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 70.120 RCW. 93-10-062 (Order 91-46), § 173-422-130, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-130, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.040(7). 87-02-051 (Order DE 86-32), § 173-422-130, filed 1/7/87, effective 4/1/87. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-130, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-130, filed 2/28/80.]

WAC 173-422-160 Fleet and diesel owner vehicle testing requirements. The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

(1) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except as approved by the department.

(2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology authorized emission specialists.

(3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and or storing this information using automated data storage devices may be approved or required by the department.

Forms must be purchased from the department in advance of issuance through payment of fifteen or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

(4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

(5) Fleet vehicles may be inspected any time between their scheduled license renewals.

(6) Certificates of acceptance may not be issued under this section.

[Statutory Authority: RCW 70.120.080, 70.120.170 (4)(a), 46.16.015 (2)(h) and 70.120.120. 99-24-021 (Order 99-19), § 173-422-160, filed 11/22/99, effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-160, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-160, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-160, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-160, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-160, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-160, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-160, filed 2/28/80.]

WAC 173-422-170 Exemptions. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(3) Motor vehicles that use propulsion units powered exclusively by electricity.

(4) Motor-driven cycles as defined in chapter 46.04 RCW as amended.

(5) Farm vehicles as defined in chapter 46.04 RCW as amended.

(6) Vehicles not required to be licensed.

(7) Mopeds as defined in chapter 46.04 RCW as amended.

(8) Vehicles garaged and operated out of the emission contributing area.

(9) Vehicles registered with the state but not for highway use.

(10) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.

(11) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.

(12) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.

(13) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

(14) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This exemption does not apply to vehicles being inspected because the registered owner is being changed. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.

(15) When the difference between the model year of the vehicle and the expiration year of the license being purchased is four or less.

(16) When the difference between the model year of the vehicle and the expiration year of the license being purchased is twenty-six or greater.

[Statutory Authority: RCW 70.120.080, 70.120.170 (4)(a), 46.16.015 (2)(h) and 70.120.120. 99-24-021 (Order 99-19), § 173-422-170, filed 11/22/99, effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. 96-23-030 (Order 96-11), § 173-422-170, filed 11/15/96, effective 12/16/96; 96-21-029 (Order 95-11), § 173-422-170, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-170, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-170, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-170, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-170, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-170, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-170, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-170, filed 2/28/80.]

Chapter 173-495 WAC

WEATHER MODIFICATION

WAC

173-495-010	Purpose.
173-495-020	Definitions.
173-495-040	Requirements for exempt activities.
173-495-045	Requirements for a regular license.
173-495-060	Procedures for issuing license.
173-495-065	Period of license.
173-495-070	Permit 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. This chapter, adopted under chapters 43.37 and 70.94 RCW establishes the 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, reporting, and fee requirements. The provisions of this chapter apply to all weather modification activities in all parts of the state except as specifically exempted in this chapter.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-010, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-010, filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-010, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, words and phrases as used in this chapter have the following meanings:

(1) "Operation" means the performance of weather modification and control activities using a single permit or license under contract for the purpose of producing or attempting to produce a weather modifying effect within a geographical area.

(2) "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. This includes the experimental production

and testing of models, devices, equipment, materials, and processes.

(3) "Weather modification and control" means changing 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.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-020, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-020, filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-020, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-040 Requirements for exempt activities. The following weather modification and control activities are exempt from the license and 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) of this section shall notify the air quality program, department of ecology, headquarters offices in Olympia, Washington, before proceeding. Notification must include the type of activity to be carried out, the person carrying out the activity, and the materials and technique of the application to be used;

(5) Any person proposing to conduct weather modification and control activities as described in subsection (3) of this section shall provide:

- (a) A written description of the proposed program;
- (b) Notice of actual operations ten days before beginning those activities; and

(c) Quarterly reports of operations and status to the Headquarters Office, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-040, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-040, filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-040, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-045 Requirements for a regular license. All applicants for a weather modification license must be certified professional members of the American Meteorological Society or possess the academic achievements and professional experience necessary to receive such a 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 must be required to meet the above standard.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-045, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-045,

filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-045, 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 apply to ecology on the form prescribed, listing name, business address, etc.

(2) Ecology may require additional information of the applicant to determine competency in the field of meteorology. The additional information must be requested of the applicant by certified mail, and must be submitted in writing.

(3) Before issuing any license, the applicant shall pay a fee of one hundred dollars to the state of Washington.

(4) The application shall be deemed received by ecology when received at the Headquarters Offices, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, Washington, 98504-7600.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-060, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-060, filed 9/17/90, effective 10/18/90; 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 under chapter 43.37 RCW and these regulations are effective for a period of one year, and will terminate at the end of the calendar year of issuance.

(2) The licensee may request a renewal of the license no later than December 1st. Ecology shall review the license renewal request after receiving a renewal fee of one hundred dollars made payable to the state of Washington.

(3) In the determination of whether or not to grant a license renewal, ecology shall consider information provided by the applicant on the facts and circumstances used to issue the original permit that were changed or altered. If ecology determines that the licensee no longer meets the requirements of competency in the field of meteorology, ecology may refuse to renew the license.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-065, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-065, filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-065, filed 12/29/77. Formerly chapter 508-20 WAC.]

WAC 173-495-070 Permit requirements. (1) Each weather modification operation not specifically exempted by statute or these regulations requires a permit. A separate permit must be issued for each operation.

(2) A license holder desiring to conduct a weather modification operation shall submit an application for a permit to ecology.

(3) The permit applicant must hold a valid weather modification license from the state of Washington.

(4) The applicant shall publish a notice of intention at least once a week for three consecutive weeks in a newspaper that has general circulation within the county in which the operation is to be conducted or affected.

(5) The licensee shall file proof of publication of the notice of intention with ecology within fifteen days from the date of last publication of the notice.

(6) The notice of intention must 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 intended to be affected by the operation; and
- (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 ecology from available data.

(9) Before issuing a permit, ecology shall state, in writing, that the weather modification and control activities proposed have been determined to be for the general welfare and public good.

(10) Ecology shall hold a public hearing before any weather modification permit is issued.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-070, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-070, filed 9/17/90, effective 10/18/90; 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 is required to maintain reports on all operations on a daily basis, and submit them twice a month (1st day and 15th day) to ecology. The semi-monthly reports must 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 upcoming fifteen-day period;
- (8) The permittee shall, in the event operations are unexpectedly terminated, submit a special report covering the portion of the half-month period of operation. All reports must be post-marked not later than one day after due date;
- (9) All semi-monthly reports are public records, which are open to public inspection.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-080, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-080, filed 9/17/90, effective 10/18/90; 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 must contain the following provisions: "Ecology may, if it appears that continuing operation under this permit will cause imme-

diately 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 ecology has reason to believe that good cause exists and that the revocation, suspension, or modification is required for the general welfare and public good. A written notice must be sent by certified mail to the permittee before any revocation, suspension, or modification of the permit is executed. Opportunity for comment by the permittee must be allowed. Any final ecology decision must be in writing.

(3) In the event the applicant desires to appeal any permit revocation, modification, or suspension action by ecology the appeal must be filed with the pollution control hearings board in Olympia within thirty days of ecology's action. An appeal does not constitute a stay.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-100, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-100, filed 9/17/90, effective 10/18/90; 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 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) A bond for safe performance; or
- (4) Other information the applicant may provide to ecology, in writing, if the alternate documents contained in subsections (1) through (3) of this section, are not feasible or available. If other information is provided, the applicants must explain the reason the documents listed in subsections (1) through (3) of this section are not provided.

[Statutory Authority: RCW 79.94.331, chapters 70.94 and 43.37 RCW. 00-01-009 (Order 99-14), § 173-495-120, filed 12/3/99, effective 1/3/00. Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-495-120, filed 9/17/90, effective 10/18/90; Order DE 77-29, § 173-495-120, filed 12/29/77.]

Chapter 173-532 WAC

WATER RESOURCES PROGRAM FOR THE WALLA WALLA RIVER BASIN, WRIA 32

WAC

173-532-085 Prioritizing change and transfer applications.

WAC 173-532-085 Prioritizing change and transfer applications. (1) The department recognizes that the many water resource planning documents and water supply studies which have been prepared for the Walla Walla River basin contain a significant amount of useful water management information. The department's general interpretation of these studies is that there is little water available within the basin for new appropriations. Consequently, the department has concluded that processing applications for changes or transfers of existing water rights is a more efficient and effective

approach to managing water within the Walla Walla basin than processing applications for new appropriations.

(2) Therefore, an application for a change or transfer of an existing water right may be processed before applications for new water rights with senior filing dates proposing to use water from the same source or hydraulically connected sources of ground water, provided one or more of the following criteria are satisfied:

(a) The proposed transfer or change would result in the construction or expansion of a municipal water supply system consistent with its approved water system plan and that system will be managed according to specific water conservation principles negotiated with and agreed to by the department prior to approval of the proposed change or transfer.

(b) The proposed transfer or change would incorporate a watershed restoration component that would be specifically designed to protect or restore watershed health. Project proposals will be categorized and evaluated on the basis of either being riparian or nonriparian in nature. Consistent with the critical pathways methodology outlined in chapter 75.46 RCW, the department will use the criteria established by the Southeast regional salmon committee to evaluate and prioritize individual riparian project proposals within the basin. These criteria are:

- (i) Listed ESA species affected, together with life-stage and use;
- (ii) Priority limiting factors for the stream reach;
- (iii) Cost-effectiveness;
- (iv) Size of area affected;
- (v) Relationship to other projects; and
- (vi) Other considerations (e.g., protection versus restoration, innovative techniques, etc.).

(c) Nonriparian project proposals will be evaluated and prioritized using natural resource conservation service environmental enhancement criteria for nonriparian areas. The criteria to be used are:

- (i) Erosion control/sediment reduction;
- (ii) Upland habitat improvement; and
- (iii) Wetland enhancement or development.

Based on these ranking criteria, project submittals scoring fifty percent or higher of the total points available will be considered to have significant environmental benefit and the associated application(s) will be evaluated out of processing priority sequence and ahead of other applications. Priority will first be given to applications with qualifying riparian project proposals. Where several competing applications within a category have met the fifty percent threshold, priority will be given to the proposals with the highest score.

Approval of any change application evaluated out of sequence through this process will be provisioned such that no final superseding certificate will issue unless and until the watershed project is installed and/or implemented to the satisfaction of the department. Failure to complete the watershed project may lead to enforcement against use of the changed water right for lack of compliance with conditions of the change approval.

Should evaluation criteria for riparian project proposals be developed and adopted by the Walla Walla and Columbia County habitat restoration committees, this rule will be

amended to require use of those criteria instead of those of the Southeast regional salmon committee.

(3) It shall be the responsibility of the applicant to present any project proposal to the department, together with all supporting documentation, in order for the proposal to be considered for review under subsection (2)(a) or (b) of this section.

(4) Although subsection (2) of this section allows transfer or change applications to be processed before new applications for water from the same source or hydraulically connected ground water source that were filed earlier than the applications for transfer or change, the department is required by law to assure that the earlier applicants' opportunity to receive a permit would not be impaired if the transfer or change application is approved.

(5) The criteria in subsection (2) of this section are meant to supplement WAC 173-152-050 (3)(a), (criteria for priority processing of competing applications). Nothing in this chapter shall serve to supersede the requirements set forth through chapter 173-152 WAC (water right administration).

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW. 99-13-093 (Order 9823), § 173-532-085, filed 6/14/99, effective 7/15/99.]

Title 174 WAC

THE EVERGREEN STATE COLLEGE

Chapters
174-116
174-280

**Parking regulations.
Family Educational Rights and Privacy
Act of 1974.**

Chapter 174-116 WAC PARKING REGULATIONS

WAC
174-116-040

Parking permits—General information.

WAC 174-116-040 Parking permits—General information. Parking permits are issued by the parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday throughout the calendar year. The college maintains the authority to sell and require the display of special event parking permits during times and days established by the college. Vehicles parked on campus pursuant to these regulations are required to display valid parking permits at all times and days of the week as established by these rules.

By delegation of the board of trustees, fees for parking and the effective date thereof, shall be approved by the president of the college. Prior to approval by the president, the college shall, after notice, hold a hearing on the proposed schedule. The hearing shall be open to the public, and shall be pre-