

## Chapter 372-52 WAC

# WATER DISTRICTS REQUESTS FOR APPROVALS AND CERTIFICATIONS OF NECESSITY TO OPERATE SEWER DISTRICTS

### WAC

372-52-010	Definitions.
372-52-020	Purpose.
372-52-030	Application content.
372-52-040	Notification of interested parties.
372-52-050	Criteria for necessity.
372-52-060	Decision of ecology.
372-52-070	Limitation of an approval and a certification of necessity.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

372-52-080	Delegation. [Order 68-105, § 372-52-080, filed 8/21/68, effective 9/21/68.] Repealed by Order DE 71-13, filed 9/8/71.
------------	---

**WAC 372-52-010 Definitions.** For purposes of this chapter, the following definitions are applicable:

(1) "Ecology" shall mean the Washington state department of ecology.

(2) "Approval and a certification of necessity" shall mean an order of ecology which gives approval to a water district to establish, maintain, construct and operate a sewer system in a proposed service area in accordance with RCW 57.08.065.

(3) "Necessity" shall mean a reasonable need and not mean an indispensable need.

(4) "Proposed service area" shall mean the area proposed to be served with a sewer system by the applicant water district.

(5) "Sewer system" shall mean a system of sewers and appurtenances for the collection, transportation, treatment and disposal of sewage and industrial wastes.

(6) "Sewage" shall mean the water-carried waste products or discharge from human beings or other wastes from residences, public or private buildings, or industrial plants, together with such ground, surface or stormwaters as may be present.

(7) "Industrial wastes" shall mean the liquids, solids, or other wastes resulting from any process of industry, or from the development of any natural resource.

(8) "Drainage basin" shall mean a geographic area drained by a surface stream or body of impounded water together with all tributary surface streams and bodies of impounded surface water.

(9) "Sewer entities" shall mean any municipal or public corporations which by law are entitled to construct and operate a sewer system.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-010, filed 6/8/88; Order 68-105, § 372-52-010, filed 8/21/68, effective 9/21/68.]

(6/8/88)

**WAC 372-52-020 Purpose.** This regulation prescribes the procedure whereby a water district organized under the provisions of chapter 57.04 RCW may apply for and receive an approval and a certification of necessity from ecology in accordance with the provisions of RCW 57.08.065 in order to exercise powers of a sewer district in accordance with the provisions of Title 56 RCW, as now, or hereafter amended. Additionally, this regulation will define the criteria which ecology will consider in determining the eligibility of an applicant water district for an approval and a certification of necessity.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-020, filed 6/8/88; Order 68-105, § 372-52-020, filed 8/21/68, effective 9/21/68.]

**WAC 372-52-030 Application content.** In addition to the requirements of chapter 372-20 WAC, an application for an approval and a certification of necessity must be presented to ecology and shall include, but not be limited to, the following considerations:

(1) A general statement of the present and future sewage problems in the proposed area of service.

(2) A consideration of the relationship of the district to contiguous, nearby or overlapping sewer entities.

(3) Service areas considering reasonable drainage basin oriented planning.

(4) Population forecasts as a basis of sewer system design in the proposed service area.

(5) A layout map showing major trunk lines and interceptor lines including the drainage area to be served within and outside of the boundaries of the water district.

(6) The methods of interception and disposal of sewage.

(7) The projected completion time for the sewer system.

(8) An affidavit signed by an officer of the applicant water district, stating that all persons, parties or entities have been given the notice required by WAC 372-52-040.

(9) A summary setting forth the reasons why the applicant water district is better suited to provide a sewer system within the proposed service area than a contiguous or adjacent sewer entity.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-030, filed 6/8/88; Order 68-105, § 372-52-030, filed 8/21/68, effective 9/21/68.]

**WAC 372-52-040 Notification of interested parties.** Prior to the submission of an application to ecology for an approval and a certification of necessity, an applicant water district shall:

(1) Notify all the contiguous and affected sewer entities in the area in which the water district is proposing to con-

[Ch. 372-52 WAC p. 1]

struct and operate a sewer system that the applicant water district will submit an application for an approval and a certification of necessity, and that ecology will consider all written comments and objections submitted to ecology from any contiguous and affected sewer entity if the same written comments and objections are received by ecology before a date which will be specified by ecology.

(2) Notify the county commissioners, county health officer, county engineer, county planning commission and the county boundary review board, if any, in the county of the proposed service area, that the applicant water district will submit an application for an approval and certification of necessity and ecology will consider all written comments and objections submitted to ecology by any of the same if the written comments and objections are received by ecology before a date which will be specified by ecology.

(3) The dates for inclusion in the notification provided for in subsections (1) and (2) of this section will be furnished by ecology upon the request of any applicant water district to ecology.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-040, filed 6/8/88; Order 68-105, § 372-52-040, filed 8/21/68, effective 9/21/68.]

**WAC 372-52-050 Criteria for necessity.** Ecology will issue an approval and a certification of necessity to an applicant water district if all of the following conditions are satisfied:

(1) The granting of an approval and a certification of necessity will eliminate or alleviate an existing or imminent water pollution problem as determined by ecology.

(2) A sewer system does not exist in a substantial portion of the proposed service area and no regularly constituted and established sewer entity intends to construct and operate a sewer system in a substantial portion of the proposed service area within the reasonably foreseeable future.

(3) The proposed service area conforms to any or all established sewage drainage basins designated pursuant to RCW 90.48.270.

(4) The proposed service area conforms to any or all established comprehensive plans for sewage drainage basins, established pursuant to RCW 90.48.280.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-050, filed 6/8/88; Order 68-105, § 372-52-050, filed 8/21/68, effective 9/21/68.]

**WAC 372-52-060 Decision of ecology.** After ecology has made a decision either granting or denying a request for an approval and a certification of necessity, said decision shall constitute a "contested case" within the meaning of chapter 34.04 RCW and RCW 90.48.230.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-060, filed 6/8/88; Order 68-105, § 372-52-060, filed 8/21/68, effective 9/21/68.]

**WAC 372-52-070 Limitation of an approval and a certification of necessity.** The granting of an approval and a certification of necessity by ecology shall only constitute approval to establish, maintain, construct, and operate a sewer system within the proposed service area requested in the initial application for an approval and a certification of

necessity, and shall in no way constitute approval or authority to establish, maintain, construct and operate a sewer system in any area which may be annexed at some future time by the applicant water district.

The granting of an approval and a certification of necessity by ecology does not constitute approval of the engineering report or plans and specifications of any sewer system, and all plans and specifications and the proposed method of operation and maintenance for any sewer system must be approved by ecology pursuant to RCW 90.48.110.

[Statutory Authority: RCW 43.216.001 [43.21B.001] and chapter 43.21A RCW. WSR 88-13-029 (Order 88-62), § 372-52-070, filed 6/8/88; Order 68-105, § 372-52-070, filed 8/21/68, effective 9/21/68.]