

WAC 172-180-030 Scope of powers delegated to appointing authorities. The persons occupying the positions denominated in WAC 172-180-020 are delegated authority to terminate, suspend, or demote any classified service employee at Eastern Washington University without the prior approval of the Board of Trustees. Additionally, such appointing authorities previously denominated are authorized to make such appointments of eligible persons to classified positions at Eastern Washington University. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-030, filed 5/5/78; Order 73-7, § 172-180-030, filed 3/20/73.]

WAC 172-180-040 Effective date. Upon the date this rule becomes effective, in accordance with the Higher Education Personnel Act, this rule shall supersede the resolution adopted by the Board of Trustees of Eastern Washington University dated March 20, 1973. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-040, filed 5/5/78; Order 73-7, § 172-180-040, filed 3/20/73.]

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- 173-800 Integration of policies and procedures of SEPA into the programs of the Department of Ecology.
- 173-801 Department of Ecology "SEPA" Guidelines.
- 173-805 Model ordinance for use in integration of SEPA guidelines.

Chapter 173-02 WAC

METHODS OF OPERATION AND ORGANIZATION

WAC

173-02-010 through 173-02-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 173-02-010 Purpose. [Order 71-9, § 173-02-010, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-020 General responsibilities. [Order 71-9, § 173-02-020, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-030 Organization. [Order 71-9, § 173-02-030, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-040 Functions. [Order 71-9, § 173-02-040, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-050 Ecological commission. [Order 71-9, § 173-02-050, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-060 Public information. [Order 71-9, § 173-02-060, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.
- 173-02-070 Submissions and requests. [Order 71-9, § 173-02-070, filed 8/4/71.] Repealed by 78-02-041 (Order

DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.

WAC 173-02-010 through 173-02-070 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 173-03 WAC PUBLIC RECORDS

WAC

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173-03-020	Definitions.
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173-03-050	Records index.
173-03-060	Requests for public records.
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173-03-080	Statement of reason for denial of public records request.
173-03-090	Reviews of denial of public records request.
173-03-100	Protection of public records.

WAC 173-03-010 Purpose. The purpose of this chapter is to implement the requirements of sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250—42.17.320) relating to public records. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-010, filed 1/17/78.]

WAC 173-03-020 Definitions. (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

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

(3) "Director" means the director of the department.

(4) "Public Records Officer" means the records manager of the department.

(5) "Designee" means the employee of the department designated by the director or the public records officer to serve as the public records officer at the central office or at each of the regional offices in the absence of the officer. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-020, filed 1/17/78.]

WAC 173-03-030 Description of organization. (1) **Headquarters Office.**

(a) The headquarters office is located on the campus of St. Martins College, Lacey, Washington. The mailing address is:

Department of Ecology
Olympia, Washington 98504.

(b) The offices of the director, deputy director, and assistant directors all are located in the headquarters office.

(c) The titles and responsibilities of the six assistant directors are as follows:

(i) assistant director for water programs — water quality, water resources.

(ii) assistant director for air programs — air quality, air monitoring.

(iii) assistant director for land programs — solid waste, shorelines.

(iv) assistant director for comprehensive programs — major industries, tax credits for pollution control expenditures, environmental review.

(v) assistant director for external affairs — department liaison with other agencies.

(vi) assistant director for field operations — enforcement, regional affairs.

(d) The offices of public affairs and legal affairs, also are at the headquarters office.

(2) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

4350 - 150th Avenue N.E.
Redmond, Washington 98050

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

7272 Cleanwater Lane
Tumwater, Washington 98504

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

2802 Main Street
Union Gap, Washington 98903

2015 South First Street
Yakima, Washington 98703
(Environmental Quality Section)

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

103 East Indiana
Spokane, Washington 99207

[Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-030, filed 1/17/78.]

WAC 173-03-040 Public records available. (1) All public records of the department are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where such records will be available. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-040, filed 1/17/78.]

WAC 173-03-050 Records index. The department does not maintain an index of just the material listed in RCW 42.17.260. It does maintain for its own use a

"Records Management Procedures Manual" which indexes the location of categories of all records, not just public records, which exist in the department. The manual is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the manual.

Because of the existence of the manual, the department has not developed any other index for its own use, and it would be unduly burdensome to develop such an index merely for the material listed in RCW 42.17.260. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-050, filed 1/17/78.]

WAC 173-03-060 Requests for public records. (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date ----- Time -----
Name -----
Address -----

Description of Records:

I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.

Signature
Number of copies -----
Number of pages -----
Per page charge \$-----
Total charge \$-----

(2) All requests made in person may be made at a department office between the hours of 8:00 a.m. to 12:00 Noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

- (a) the name and address of the person making the request and the organization the person represents;
- (b) the time of day and calendar date on which the person wishes to inspect the public records;
- (c) a description of the public records requested;
- (d) a statement whether access to copying equipment is desired;
- (e) a phone number where the person can be reached in case the public records officer or designate needs to

contact the person for further description of the material or any other reason.

(f) a statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the department at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The department may in its discretion fill requests made by telephone. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-060, filed 1/17/78.]

WAC 173-03-070 Fees. No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee, determined from time to time by the department, for providing copies of public records and for use of the department's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work for nonstandard items is requested, the fee charged will reflect the total cost, including the time of department personnel. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-070, filed 1/17/78.]

WAC 173-03-080 Statement of reason for denial of public records request. When the department refuses, in whole or part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-080, filed 1/17/78.]

WAC 173-03-090 Reviews of denial of public records request. (1) Any person who objects to the refusal of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or his delegate. The director or his delegate shall immediately consider the matter and either affirm or reverse such refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for

review. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-090, filed 1/17/78.]

WAC 173-03-100 Protection of public records. In order to adequately protect the public records of the department, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee. [Statutory Authority: RCW 42.17.250—42.17.340. 78-02-041 (Order DE 77-35), § 173-03-100, filed 1/17/78.]

Chapter 173-06 WAC DELEGATION OF POWERS

WAC
173-06-060 NPDES delegation.

WAC 173-06-060 NPDES delegation. The sole and complete responsibility for the administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to Elmer C. Vogel, the deputy director. [Statutory Authority: RCW 43.21A.090. 79-08-034 (Order DE 79-10), § 173-06-060, filed 7/16/79; Order DE 77-12, § 173-06-060, filed 8/2/77.]

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

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

173-14-120 Permits for substantial development, conditional use, or variance.
173-14-130 Department review of conditional use and variance permits.
173-14-140 Review criteria for conditional use permits.
173-14-150 Review criteria for variance permits.
173-14-160 Repealed.
173-14-170 Requests for review.
173-14-174 Certification of requests for review.
173-14-180 Regulatory orders by local government or the department.
173-14-190 Hearings on regulatory orders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-14-160 Department of ecology review. [Order DE 76-17, § 173-14-160, filed 7/27/76; Order DE 75-22, § 173-14-160, filed 10/16/75.] Repealed by 78-07-001 (Order DE 78-7), filed 6/14/78. Statutory Authority: RCW 90.58.200.

WAC 173-14-010 Authority. This regulation is adopted pursuant to RCW 90.58.140(3) and 90.58.200, the Shoreline Management Act of 1971. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-010, filed 6/14/78; Order DE 75-22, § 173-14-010, filed 10/16/75; Order 71-18, § 173-14-010, filed 12/16/71.]

WAC 173-14-020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management established therein. The purpose of this regulation is to establish basic rules for the permit system in harmony with the spirit of RCW 90.58.140(3).

This administrative regulation is drafted to also reflect RCW 90.58.050 which provides that the intent of the Shoreline Management Act is to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating and administering the regulatory program of shoreline management, whereas the department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policies and provisions of the Shoreline Management Act. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-020, filed 6/14/78; Order DE 75-22, § 173-14-020, filed 10/16/75; Order 71-18, § 173-14-020, filed 12/16/71.]

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

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

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

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

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

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

(6) "Average grade level" shall mean the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building or structure: *Provided*, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

(7) "Natural or existing topography" shall mean the topography of the lot, parcel or tract of real property immediately prior to any site preparation grading, excavation, or filling.

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

(9) "Applicable master program" shall mean the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government.

(10) The definitions and concepts set forth in RCW 90.58.030 shall also apply as used herein. [Statutory Authority: RCW 90.58.200, 78-07-011 (Order DE 78-7), § 173-14-030, filed 6/14/78; Order DE 76-17, § 173-14-030, filed 7/27/76; Order DE 75-22, § 173-14-030, filed 10/16/75; Order 71-18, § 173-14-030, filed 12/16/71.]

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

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

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

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

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

(5) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be

considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

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

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

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

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

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

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

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

(13) The construction of up to 500 feet of one and only one road or segment of a road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW, the Forest Practices Act, and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW. [Statutory Authority: RCW 90.58.200, 78-07-011 (Order DE 78-7), § 173-14-040, filed 6/14/78; Order DE 76-17, § 173-14-040, filed 7/27/76; Order DE 75-28, § 173-14-040, filed 12/4/75; Order DE 75-

22, § 173-14-040, filed 10/16/75; Order 71-18, § 173-14-040, filed 12/16/71.]

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

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

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

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

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

Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-050, filed 6/14/78; Order 73-23, § 173-14-050, filed 10/23/73; Order 71-18, § 173-14-050, filed 12/16/71.]

WAC 173-14-060 Time requirements of permit. The following time requirements shall apply to all substantial development, conditional use and variance permits:

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

(2) If a project for which a permit has been granted pursuant to the act has not been completed within five

years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, do either of the following:

- (a) Extend the permit for one year; or
- (b) Terminate the permit:

Provided, That nothing herein shall preclude local government from issuing permits with a fixed termination date of less than five years. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-060, filed 6/14/78; Order DE 75-22, § 173-14-060, filed 10/16/75; Order 71-18, § 173-14-060, filed 12/16/71.]

WAC 173-14-062 Applicability of permit system to federal agencies. The permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act and the department for shorelines of the state.

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

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

(3) The permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government.

(4) Federal agency actions shall be consistent with the approved Washington state coastal zone management program subject to certain limitations set forth in the federal coastal zone management act, 16 U.S.C. 1451 et seq. and regulations adopted pursuant thereto. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-062, filed 6/14/78; Order DE 75-22, § 173-14-062, filed 10/16/75.]

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

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

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

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

(b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit: *Provided*, That revisions involving new structures not shown on the original site plan shall require a new

permit, and: *Provided further*, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located.

(c) Landscaping may be added to a project without necessitating an application for a new permit: *Provided*, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the master program for the area in which the project is located;

(d) The use authorized pursuant to the original permit is not changed;

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

(3) If the revision or the sum of the revision and any previously approved revisions pursuant to WAC 173-14-064 will violate the terms of one or more of the provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

(4) The revised permit shall become effective immediately. Within eight days of the date of final local government action the revised site plan, text and the approved revision shall be submitted to the appropriate regional office of the department and the attorney general for the completion of their files. In addition, local government shall submit a notice of revision approval to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173-14-070.

(5) Appeals shall be in accordance with RCW 90.58-.180 and shall be filed within fifteen days from the date of receipt of the local governments action by the department of ecology regional office. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicants own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision was not within the scope and intent of the original permit, the decision shall have no bearing on the original permit. [Statutory Authority: RCW 90.58-.200. 78-07-011 (Order DE 78-7), § 173-14-064, filed 6/14/78; Order DE 76-17, § 173-14-064, filed 7/27/76; Order DE 75-22, § 173-14-064, filed 10/16/75.]

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

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

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

(3) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

An affidavit that the notice has been properly published, and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. All such notices shall include a statement that within thirty days of the final newspaper publication, any interested person may submit his written views upon the application to the appropriate local government or notify the local government of his desire to receive a copy of the action taken upon the application. All persons who notify the appropriate local government of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken upon the application. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing.

All notices of applications for shoreline management substantial development, conditional use, or variance permits shall contain, as a minimum, the information called for in the following form:

**NOTICE OF APPLICATION FOR
SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT, CONDITIONAL
USE, OR VARIANCE PERMIT (use appropriate)**

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

Written comments must be received by (date).

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-070, filed 6/14/78; Order DE

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

WAC 173-14-080 Public hearings. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of substantial development, conditional use, or variance permits in order to allow interested persons to present their views. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-080, filed 6/14/78; Order DE 75-22, § 173-14-080, filed 10/16/75; Order 71-18, § 173-14-080, filed 12/16/71.]

WAC 173-14-090 Filing with department and attorney general. Any ruling by local government or an application for a substantial development, conditional use or variance permit, whether it be an approved or denial, shall be filed with the department and attorney general. When a substantial development permit and a conditional use or variance permit are required for a development, the filing of local government's rulings on the permits shall be made concurrently.

Copies of the original application, affidavit of public notice, site plan, vicinity map, permit, and final order shall be filed with the regional office of the department and attorney general within eight days of the local government final decision. Where applicable local government shall also file the following materials required by chapter 43.21C RCW, the state environmental policy act; environmental checklist, threshold determination, and environmental impact statement, or in lieu thereof, a statement summarizing the actions and dates of such actions taken pursuant to chapter 43.21C RCW.

Filing shall not be complete until the required documents have actually been received by the regional office of the department within which the project lies, and by the attorney general. This same rule shall apply to conditional uses, variances, rescissions and revisions of permits.

"Date of filing" of a local government final order involving approval or denial of substantial development permit, or involving a denial of a variance or conditional use permit, shall be the date of actual receipt by the regional office of the department. With regard to a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent filing by local government of a substantial development permit, the "date of filing" shall mean the date the departments final decision on the variance or conditional use permit is transmitted to local government and the applicant. The department shall in all circumstances notify in writing the local government and the applicant of the "date of filing". [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-090, filed 6/14/78; Order DE 76-17, § 173-14-090, filed 7/27/76; Order DE 75-22, § 173-14-090, filed 10/16/75; Order 71-18, § 173-14-090, filed 12/16/71.]

WAC 173-14-100 Review criteria for substantial development permits. * (1) Prior to the effective date of

an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The guidelines and regulations of the department; and,
- (c) So far as can be ascertained, the master program being developed for the area.

(2) After the adoption or approval, as appropriate, by the department of an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The provisions of this regulation; and,
- (c) The applicable master program adopted or approved for the area.

* The State Environmental Policy Act, chapter 43.21C RCW, has been determined to be applicable to government permit programs. See WAC 461-08-175, Rules of Practice and Procedures of the Shoreline Hearings Board. Also see State Environmental Policy Act guidelines.

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-100, filed 6/14/78; Order DE 75-22, § 173-14-100, filed 10/16/75; Order 71-18, § 173-14-100, filed 12/16/71.]

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

APPLICATION FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT

TO THE APPLICANT: This is an application for a substantial development, conditional use, or variance permit as authorized by the Shoreline Management Act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

1. Name of applicant -----
2. Mailing address -----
3. Relation of applicant to property:
 - Owner -----
 - Purchaser -----
 - Lessee -----
 - Other -----
4. Name and address of owner, if other than applicant
 -
 -

- 5. General location of proposed project (please list section to the nearest quarter section, township, and range)

- 6. Name of water area and/or wetlands within which development is proposed

- 7. Current use of the property with existing improvements

- 8. Proposed use of property (Please be specific) -----

- 9. (To be completed by local official.) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any):

- 10. (To be completed by local official.) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view.
- 11. (To be completed by local official.) If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought.

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

(a) **SITE PLAN.** Include on plan:

- (1) Site boundary.
- (2) Property dimensions in vicinity of project.
- (3) Ordinary high-water mark.
- (4) Typical cross section or sections showing:
 - (i) Existing ground elevations.
 - (ii) Proposed ground elevation.
 - (iii) Height of existing structures.
 - (iv) Height of proposed structures.

(5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals

on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.

(6) Show dimensions and locations of existing structures which will be maintained.

(7) Show dimensions and locations of proposed structures.

(8) Identify source, composition, and volume of fill material.

(9) Identify composition and volume of any extracted materials, and identify proposed disposal area.

(10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.

(11) If the development proposes septic tanks, does proposed development comply with local health and state regulations?

(12) Shoreline designation according to master program.

(13) Show which areas are shorelines and which are shorelines of state-wide significance.

(b) **VICINITY MAP.**

(1) Indicate site location using natural points of reference (roads, state highways, prominent land marks, etc.)

(2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.

(3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site. (i.e., residential to the north, commercial to the south, etc.). [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-110, filed 6/14/78; Order DE 76-17, § 173-14-110, filed 7/27/76; Order DE 75-22, § 173-14-110, filed 10/16/75; Order 71-18, § 173-14-110, filed 12/16/71.]

WAC 173-14-115 Letter of exemption. Whenever a development falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S. Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899, or a section 404 permit under the Federal Water Pollution Control Act of 1972, the local government shall prepare a letter addressed to the applicant and the appropriate regional office of the department, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

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

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

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

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

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

(Corps Public Notice Number)

The proposed development is consistent or inconsistent with:

CHECK ONE

CONSISTENT INCONSISTENT

- Consistent/Inconsistent checkboxes for Policies of the Shoreline Management Act, Department of Ecology guidelines, and The master program.

(Date)

(Signature of Authorized Local Governmental Official)

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-115, filed 6/14/78; Order DE 76-17, § 173-14-115, filed 7/27/76; Order DE 75-22, § 173-14-115, filed 10/16/75.]

WAC 173-14-120 Permits for substantial development, conditional use, or variance. Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until thirty days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-14-090; or until all review proceedings initiated within thirty days from the date of such filing have been terminated; except as provided in RCW 90.58.140(5)(a)(b)(c).

Permits for substantial development, conditional use, or variance shall be in substantially the following form. Such forms will be supplied by local government.

SHORELINE MANAGEMENT ACT OF 1971 PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE

NOTE - THIS PAGE FOR LOCAL GOVERNMENT USE ONLY

(Consecutive but beginning with No. 1)

Application No. -----

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

Date received -----

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

Date -----

Type of Action(s)

- Substantial Development Permit
Conditional Use Permit
Variance Permit

Pursuant to chapter 90.58 RCW, a permit is hereby granted/denied to:

(name of applicant)

(address)

to undertake the following development: (Please be specific)

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

Within (name of water area) and/or its associated wetlands.

The project will (be/not be) within shorelines of state-wide significance (RCW 90.58.030). The project will be located within a (environment) designation. The following master program provisions are applicable to this development (state the master program section or page number): If a conditional use or variance, also identify the portion of the master program which provides that the proposed use may be a conditional use, or that portion of the master program being varied.

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

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

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

(Date) (Signature of Authorized Local Government Official)

THIS SECTION FOR DEPARTMENT USE ONLY IN REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.

Date received by the department -----

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

This conditional use/variance permit is approved/denied by the department pursuant to chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

(Date) (Signature of Authorized Department Official)

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-120, filed 6/14/78; Order DE 76-17, § 173-14-120, filed 7/27/76; Order DE 75-22, § 173-14-120, filed 10/16/75; Order 71-18, § 173-14-120, filed 12/16/71.]

WAC 173-14-130 Department review of conditional use and variance permits. After local government approval of a conditional use or variance permit, local government shall submit the permit to the appropriate regional office of the department for the departments approval, approval with conditions (with concurrence of local government), or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to

WAC 173-14-090. Local government shall notify those interested persons having requested notification from local government pursuant to WAC 173-14-070 of the departments final decision. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-130, filed 6/14/78; Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.]

WAC 173-14-140 Review criteria for conditional use permits. The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: *Provided*, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program.

(b) That the proposed use will not interfere with the normal public use of public shorelines.

(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-140, filed 6/14/78; Order DE 75-22, § 173-14-140, filed 10/16/75.]

WAC 173-14-150 Review criteria for variance permits. The purpose of a variance permit is strictly limited

to granting relief to specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances should be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable permitted use of the property.

(b) That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the department pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable permitted use of the property.

(b) That the hardship described in WAC 173-14-150(3)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

(f) That the public interest will suffer no substantial detrimental effect.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-150, filed 6/14/78; Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.]

WAC 173-14-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-14-170 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-14 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-170, filed 6/14/78; Order DE 75-22, § 173-14-170, filed 10/16/75.]

WAC 173-14-174 Certification of requests for review. All requests for review filed with the department pursuant to RCW 90.58.180(1) must contain the items required by WAC 461-08-055. Such requests shall be filed with the department within thirty days of the date of filing as defined in RCW 90.58.140(6) and WAC 173-14-090. The department will certify the request for review to the shorelines hearings board within thirty days of receipt of same if it appears the request has set forth valid reasons to seek review. Failure of the department to provide such certification does not preclude the requestor from obtaining certification from the attorney general or from obtaining a review in the superior court under any right to review otherwise available. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-174, filed 6/14/78.]

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

(a) The development constitutes an integral part of a project being undertaken, or about to be undertaken, on

the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

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

(c) The development being undertaken on the shorelines of the state is in violation of chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval by the department of a master program for the area, the guidelines and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

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

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

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

(c) The right of the person to whom the order is directed to a hearing before the shorelines hearings board.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed and shall become final unless review is requested pursuant to WAC 173-14-190. [Statutory Authority: RCW 90.58.200, 78-07-011 (Order DE 78-7), § 173-14-180, filed 6/14/78; Order DE 76-17, § 173-14-180, filed 7/27/76; Order DE 75-22, § 173-14-180, filed 10/16/75.]

WAC 173-14-190 Hearings on regulatory orders.

(1) The person to whom the regulatory order is directed may request review to the shorelines hearings board within thirty days after being served. The requirements of RCW 90.58.180(1) and chapter 461-08 WAC shall apply to all said requests for review: *Provided, however*, That there shall be no requirement for such requests to be filed with and certified by the department and the attorney general.

(2) All hearings held pursuant to this provision and judicial review thereof shall be in accordance with the rules establishing the shorelines hearings board contained in chapter 90.58 RCW and to chapter 461-08 WAC. [Statutory Authority: RCW 90.58.200, 78-07-011 (Order DE 78-7), § 173-14-190, filed 6/14/78; Order DE 75-22, § 173-14-190, filed 10/16/75.]

Chapter 173-19 WAC

SHORELINE MANAGEMENT ACT OF 1971-- STATE MASTER PROGRAM

WAC

173-19-044	Local government change of jurisdiction—Effect of annexation.
173-19-060	Revising of master programs.
173-19-090	Adams County.
173-19-100	Asotin County.

173-19-110	Benton County.
173-19-120	Chelan County.
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173-19-140	Clark County.
173-19-150	Columbia County.
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173-19-390	Snohomish County.
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173-19-410	Stevens County.
173-19-420	Thurston County.
173-19-430	Wahkiakum County.
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173-19-450	Whatcom County.
173-19-460	Whitman County.
173-19-470	Yakima County.

WAC 173-19-044 Local government change of jurisdiction—Effect of annexation. In the event of annexation of a shoreline area, the local government assuming jurisdiction shall revise their master program to include the annexed area. Such revision shall be in accordance with the procedures established in WAC 173-19-060 and shall be submitted to the department after completion of annexation. Until a revised program is approved or adopted by the department, any ruling on an application for permit in the annexed shoreline area shall be based upon compliance with the pre-existing master program approved or adopted for the area. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58-200, 79-09-001 (Order DE 79-6), § 173-19-044, filed 8/2/79.]

WAC 173-19-060 Revising of master programs. At any time after adoption or approval of the master program by the department, local government may pursuant to RCW 90.58.190 propose additions, deletions, or modifications to the master program deemed necessary by local government to bring the master program into compliance with chapter 90.58 RCW or chapter 173-16 WAC or to reflect changing local circumstances or improved data. The revised master program shall be submitted to the department for review and formal action. The local government shall also notify all abutting local governments affected by any proposed environment designation modifications at the same time it submits these changes to the department. The department shall take formal action on the proposed revision of the master

program within forty-five days of receipt by the department and, shall state in detail, the precise facts upon which that decision is based and shall submit to the local government suggested modifications to the program to make it consistent with chapter 90.58 RCW or chapter 173-16 WAC. Any resubmitted program shall be acted upon by the department within thirty days after receipt of the resubmitted program, and shall take effect with the form and content as is approved by the department. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-060, filed 8/2/79; Order DE 74-23, § 173-19-060, filed 12/30/74.]

WAC 173-19-090 Adams County. Adams County master program approved June 2, 1977. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-090, filed 8/2/79; Order DE 77-16, § 173-19-090, filed 9/9/77; Order DE 74-23, § 173-19-090, filed 12/30/74.]

WAC 173-19-100 Asotin County. Asotin County master program approved October 22, 1974.

(1) Asotin master program approved March 7, 1975.

(2) Clarkston master program approved March 7, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-100, filed 8/2/79; Order DE 75-21, § 173-19-100, filed 8/12/75; Order DE 74-23, § 173-19-100, filed 12/30/74.]

WAC 173-19-110 Benton County. Benton County master program approved April 25, 1974.

(1) Benton City master program approved August 25, 1975.

(2) Kennewick master program approved December 11, 1974.

(3) Prosser master program approved June 2, 1975.

(4) Richland master program approved September 9, [1974][1975]. Revision approved August 29, 1979.

(5) West Richland master program approved October 22, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-11-053 (Order DE 79-28), § 173-19-110, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-110, filed 8/2/79; Order DE 76-15, § 173-19-110, filed 5/3/76; Order DE 75-21, § 173-19-110, filed 8/12/75; Order DE 74-23, § 173-19-110, filed 12/30/74.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-19-120 Chelan County. Chelan County master program approved April 22, 1975.

(1) Cashmere master program approved April 22, 1975.

(2) Chelan master program approved April 22, 1975.

(3) Entiat master program approved April 22, 1975.

(4) Leavenworth master program approved April 22, 1975.

(5) Wenatchee master program approved April 22, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-120, filed 8/2/79; Order DE 75-21, § 173-19-120, filed 8/12/75; Order DE 74-23, § 173-19-120, filed 12/30/74.]

WAC 173-19-130 Clallam County. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976[.] Revision approved August 10, 1979.

(1) Port Angeles master program approved August 5, 1976. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-11-053 (Order DE 79-28), § 173-19-130, filed 10/16/79; 79-09-131 (Order DE 79-16), § 173-19-130, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-130, filed 8/2/79; Order DE 77-16, § 173-19-130, filed 9/9/77; Order DE 74-23, § 173-19-130, filed 12/30/74.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-19-140 Clark County. Clark County master program approved December 18, 1974.

(1) Camas master program approved January 30, 1978.

(2) LaCenter master program approved December 18, 1974.

(3) Ridgefield master program approved June 29, 1978.

(4) Vancouver master program approved September 25, 1975.

(5) Washougal master program approved September 12, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-140, filed 8/2/79; Order DE 76-15, § 173-19-140, filed 5/3/76; Order DE 74-23, § 173-19-140, filed 12/30/74.]

WAC 173-19-150 Columbia County. Columbia County master program approved September 22, 1975.

(1) Dayton master program approved September 22, 1975.

(2) Starbuck master program approved September 22, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-150, filed 8/2/79; Order DE 76-15, § 173-19-150, filed 5/3/76; Order DE 74-23, § 173-19-150, filed 12/30/74.]

WAC 173-19-160 Cowlitz County. Cowlitz County master program approved February 17, 1978.

(1) Castle Rock master program approved

(2) Kalama master program approved January 16, 1978.

(3) Kelso master program approved

(4) Longview master program approved May 19, 1977.

(5) Woodland master program approved ----- [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-160, filed 8/2/79; Order DE 77-16, § 173-19-160, filed 9/9/77; Order DE 74-23, § 173-19-160, filed 12/30/74.]

WAC 173-19-170 Douglas County. Douglas County master program approved February 20, 1975.

(1) Bridgeport master program approved February 20, 1975.

(2) East Wenatchee master program approved February 20, 1975.

(3) Rock Island master program approved February 20, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-170, filed 8/2/79; Order DE 75-21, § 173-19-170, filed 8/12/75; Order DE 74-23, § 173-19-170, filed 12/30/74.]

WAC 173-19-180 Ferry County. Ferry County master program approved October 21, 1975.

Republic master program approved October 21, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-180, filed 8/2/79; Order DE 76-15, § 173-19-180, filed 5/3/76; Order DE 74-23, § 173-19-180, filed 12/30/74.]

WAC 173-19-190 Franklin County. Franklin County master program approved December 10, 1974. Revision approved December 12, 1975. Revision approved August 28, 1978. Revision approved October 2, 1978.

Pasco master program approved December 10, 1974. Revision approved December 12, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-190, filed 8/2/79; Order DE 76-15, § 173-19-190, filed 5/3/76; Order DE 74-23, § 173-19-190, filed 12/30/74.]

WAC 173-19-200 Garfield County. Garfield County master program approved September 13, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-200, filed 8/2/79; Order DE 74-23, § 173-19-200, filed 12/30/74.]

WAC 173-19-210 Grant County. Grant County master program approved September 16, 1975.

(1) Krupp master program approved September 16, 1975.

(2) Moses Lake master program approved December 18, 1974.

(3) Soap Lake master program approved November 19, 1974.

(4) Wilson Creek master program approved September 16, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001

(Order DE 79-6), § 173-19-210, filed 8/2/79; Order DE 76-15, § 173-19-210, filed 5/3/76; Order DE 74-23, § 173-19-210, filed 12/30/74.]

WAC 173-19-220 Grays Harbor County. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978.

(1) Aberdeen master program approved June 30, 1975.

(2) Cosmopolis master program approved August 12, 1974.

(3) Elma master program approved September 18, 1974.

(4) Hoquiam master program approved April 14, 1976.

(5) Montesano master program approved -----

(6) Oakville master program approved -----

(7) Ocean Shores master program approved August 12, 1974.

(8) Westport master program approved November 7, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-220, filed 8/2/79; Order DE 77-16, § 173-19-220, filed 9/9/77; Order DE 75-21, § 173-19-220, filed 8/12/75; Order DE 74-23, § 173-19-220, filed 12/30/74.]

WAC 173-19-230 Island County. Island County master program approved June 25, 1976.

(1) Coupeville master program approved June 25, 1976.

(2) Langley master program approved June 25, 1976.

(3) Oak Harbor master program approved June 25, 1976. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-230, filed 8/2/79; Order DE 77-16, § 173-19-230, filed 9/9/77; Order DE 74-23, § 173-19-230, filed 12/30/74.]

WAC 173-19-240 Jefferson County. Jefferson County master program approved December 20, 1974.

Port Townsend master program approved December 20, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-240, filed 8/2/79; Order DE 75-21, § 173-19-240, filed 8/12/75; Order DE 74-23, § 173-19-240, filed 12/30/74.]

WAC 173-19-250 King County. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979[.]

(1) Auburn master program approved April 4, 1974.

(2) Beaux Arts master program approved August 12, 1974.

(3) Bellevue master program approved February 26, 1975. Revision approved January 8, 1979[.]

(4) Black Diamond master program approved December 21, 1977.

(5) Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977.

(6) Carnation master program approved August 16, 1974.

(7) Des Moines master program approved April 3, 1974.

(8) Duvall master program approved [August 12] [November 15], 1974.

(9) Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.

(10) Issaquah master program approved

(11) Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

(12) Kirkland master program approved August 27, 1974.

(13) Lake Forest Park master program approved April 19, 1974.

(14) Medina master program approved November 22, 1974.

(15) Mercer Island master program approved September 24, 1974.

(16) Normandy Park master program approved April 5, 1974.

(17) North Bend master program approved September 18, 1974.

(18) Pacific master program approved September 19, 1974.

(19) Redmond master program approved September 20, 1974.

(20) Renton master program approved January 23, 1976. Revision approved February 23, 1977.

(21) Seattle master program approved June 30, 1976. Revision approved March 11, 1977.

(22) Skykomish master program approved

(23) Snoqualmie master program approved August 16, 1974.

(24) Tukwila master program approved September 26, 1974.

(25) Yarrow Point master program approved March 13, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-131 (Order DE 79-16), § 173-19-250, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-250, filed 8/2/79; Order DE 77-28, § 173-19-250, filed 10/24/77; Order DE 77-16, § 173-19-250, filed 9/9/77; Order DE 76-15, § 173-19-250, filed 5/3/76; Order DE 75-21, § 173-19-250, filed 8/12/75; Order DE 74-23, § 173-19-250, filed 12/30/74.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-19-260 Kitsap County. Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977.

(1) Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978.

(2) Port Orchard master program approved March 10, 1977.

(3) Poulsbo master program approved January 12, 1976. Revision approved October 21, 1976. Revision approved October 24, 1977.

(4) Winslow master program approved
----- [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-260, filed 8/2/79; Order DE 77-16, § 173-19-260, filed 9/9/77; Order DE 76-15, § 173-19-260, filed 5/3/76; Order DE 74-23, § 173-19-260, filed 12/30/74.]

WAC 173-19-270 Kittitas County. Kittitas County master program approved September 3, 1975. Revision approved August 28, 1979.

(1) Cle Elum master program approved

(2) Ellensburg master program approved

(3) South Cle Elum master program approved June 28, 1976. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-11-053 (Order DE 79-28), § 173-19-270, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-270, filed 8/2/79; Order DE 77-16, § 173-19-270, filed 9/9/77; Order DE 76-15, § 173-19-270, filed 5/3/76; Order DE 74-23, § 173-19-270, filed 12/30/74.]

WAC 173-19-280 Klickitat County. Klickitat County master program approved August 29, 1975.

(1) Bingen master program approved August 29, 1975.

(2) Goldendale master program approved August 29, 1975.

(3) White Salmon master program approved August 29, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-280, filed 8/2/79; Order DE 76-15, § 173-19-280, filed 5/3/76; Order DE 74-23, § 173-19-280, filed 12/30/74.]

WAC 173-19-290 Lewis County. Lewis County master program approved November 1, 1974. Revision approved January 16, 1978.

(1) Centralia master program approved March 29, 1978.

(2) Chehalis master program approved February 10, 1977.

(3) Morton master program approved October 12, 1977.

(4) Pe Ell master program approved November 15, 1974.

(5) Toledo master program approved November 1, 1974.

(6) Vader master program approved October 24, 1977.

(7) Winlock master program approved October 24, 1977. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-290, filed 8/2/79; Order DE 77-16, § 173-19-290, filed 9/9/77; Order DE 74-23, § 173-19-290, filed 12/30/74.]

WAC 173-19-300 Lincoln County. Lincoln County master program approved February 25, 1977.

(1) Odessa master program approved February 25, 1977.

(2) Sprague master program approved February 25, 1977. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-300, filed 8/2/79; Order DE 77-16, § 173-19-300, filed 9/9/77; Order DE 74-23, § 173-19-300, filed 12/30/74.]

WAC 173-19-310 Mason County. Mason County master program approved August 6, 1975. Revision approved December 18, 1975.

Shelton master program approved March 18, 1975. Revision approved December 18, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-310, filed 8/2/79; Order DE 76-15, § 173-19-310, filed 5/3/76; Order DE 75-21, § 173-19-310, filed 8/12/75; Order DE 74-23, § 173-19-310, filed 12/30/74.]

WAC 173-19-320 Okanogan County. Okanogan master program approved December 16, 1975. Revision approved March 9, 1976.

(1) Brewster master program approved December 16, 1975. Revision approved March 9, 1976.

(2) Conconully master program approved December 16, 1975. Revision approved March 9, 1976.

(3) Okanogan master program approved December 16, 1975. Revision approved March 9, 1976.

(4) Omak master program approved December 16, 1975. Revision approved March 9, 1976.

(5) Oroville master program approved December 16, 1975. Revision approved March 9, 1976.

(6) Pateros master program approved December 16, 1975. Revision approved March 9, 1976.

(7) Riverside master program approved December 16, 1975. Revision approved March 9, 1976.

(8) Tonasket master program approved December 16, 1975. Revision approved March 9, 1976.

(9) Twisp master program approved December 16, 1975. Revision approved March 9, 1976.

(10) Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-320, filed 8/2/79; Order DE 76-15, § 173-19-320, filed 5/3/76; Order DE 74-23, § 173-19-320, filed 12/30/74.]

WAC 173-19-330 Pacific County. Pacific County master program approved April 8, 1975.

(1) Ilwaco master program approved May 2, 1975.

(2) Long Beach master program approved May 2, 1975.

(3) Raymond master program approved April 9, 1976.

(4) South Bend master program approved May 2, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-330, filed 8/2/79; Order DE 75-21, § 173-19-330, filed 8/12/75; Order DE 74-23, § 173-19-330, filed 12/30/74.]

WAC 173-19-340 Pend Oreille County. Pend Oreille County master program approved April 18, 1975.

(1) Cusick master program approved April 18, 1975.

(2) Ione master program approved April 18, 1975.

(3) Metaline master program approved April 18, 1975.

(4) Metaline Falls master program approved April 18, 1975.

(5) Newport master program approved April 18, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-340, filed 8/2/79; Order DE 75-21, § 173-19-340, filed 8/12/75; Order DE 74-23, § 173-19-340, filed 12/30/74.]

WAC 173-19-350 Pierce County. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

(1) Bonney Lake master program approved August 6, 1975.

(2) Buckley master program approved April 7, 1975.

(3) Dupont master program approved June 11, 1975.

(4) Eatonville master program approved April 29, 1975.

(5) Fife master program approved September 6, 1974.

(6) Gig Harbor master program approved September 10, 1975.

(7) Orting master program approved April 8, 1975.

(8) Puyallup master program approved May 31, 1974.

(9) Roy master program approved April 9, 1975.

(10) Ruston master program approved September 20, 1974.

(11) South Prairie master program approved

(12) Steilacoom master program approved

(13) Sumner master program approved December 11, 1974.

(14) Tacoma master program approved April 5, 1977.

(15) Wilkeson master program approved October 21, 1977. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-11-019 (Order DE 79-19), § 173-19-350, filed 10/9/79; 79-09-131 (Order DE 79-16), § 173-19-350, filed 9/5/79; 79-09-129 (Order DE

79-27), § 173-19-350, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-350, filed 8/2/79; Order DE 77-16, § 173-19-350, filed 9/9/77; Order DE 76-15, § 173-19-350, filed 5/3/76; Order DE 75-21, § 173-19-350, filed 8/12/75; Order DE 74-23, § 173-19-350, filed 12/30/74.]

WAC 173-19-360 San Juan County. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976.

Friday Harbor master program approved July 14, 1978. Revision approved January 5, 1979. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-360, filed 8/2/79; Order DE 77-16, § 173-19-360, filed 9/9/77; Order DE 74-23, § 173-19-360, filed 12/30/74.]

WAC 173-19-370 Skagit County. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

(1) Anacortes master program approved April 9, 1976.

(2) Concrete master program approved March 3, 1977.

(3) Hamilton master program approved July 27, 1979.

(4) La Connor master program approved May 3, 1977.

(5) Lyman master program approved February 23, 1977.

(6) Mount Vernon master program approved May 16, 1977. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-131 (Order DE 79-16), § 173-19-370, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-370, filed 8/2/79; Order DE 77-16, § 173-19-370, filed 9/9/77; Order DE 74-23, § 173-19-370, filed 12/30/74.]

WAC 173-19-380 Skamania County. Skamania County master program approved September 6, 1974.

(1) North Bonneville master program approved September 6, 1974.

(2) Stevenson master program approved September 6, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-380, filed 8/2/79; Order DE 74-23, § 173-19-380, filed 12/30/74.]

WAC 173-19-390 Snohomish County. Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978.

(1) Arlington master program approved December 27, 1974.

(2) Brier master program approved December 27, 1974.

(3) Edmonds master program approved January 23, 1976. Revision approved March 5, 1979.

(4) Everett master program approved January 5, 1976.

(5) Gold Bar master program approved December 27, 1974.

(6) Granite Falls master program approved December 27, 1974.

(7) Index master program approved December 27, 1974.

(8) Lake Stevens master program approved December 27, 1974.

(9) Marysville master program approved January 22, 1975. Amended August 10, 1977.

(10) Monroe master program approved December 27, 1974.

(11) Mountlake Terrace master program approved December 27, 1974.

(12) Mukilteo master program approved September 20, 1974.

(13) Snohomish master program approved September 20, 1974. Revision approved February 11, 1977.

(14) Stanwood master program approved April 9, 1976.

(15) Sultan master program approved December 27, 1974.

(16) Woodway master program approved December 27, 1974. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-390, filed 8/2/79. Statutory Authority: RCW 90.58.020. 78-08-076 (Order DE 78-9), § 173-19-390, filed 7/26/78; Order DE 77-16, § 173-19-390, filed 9/9/77; Order DE 76-15, § 173-19-390, filed 5/3/76; Order DE 75-21, § 173-19-390, filed 8/12/75; Order DE 74-23, § 173-19-390, filed 12/30/74.]

WAC 173-19-400 Spokane County. Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979.

(1) Latah master program approved January 15, 1975.

(2) Medical Lake master program approved January 15, 1975.

(3) Rockford master program approved January 15, 1975.

(4) Millwood master program approved January 15, 1975.

(5) Spokane master program approved March 7, 1975. Revision approved October 5, 1976. Revision approved December 22, 1977.

(6) Waverly master program approved January 15, 1975. [Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 79-11-053 (Order DE 79-28), § 173-19-400, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-400, filed 8/2/79; Order DE 77-16, § 173-19-400, filed 9/9/77; Order DE 75-21, § 173-19-400, filed 8/12/75; Order DE 74-23, § 173-19-400, filed 12/30/74.]

WAC 173-19-410 Stevens County. Stevens County master program approved

(1) Chewelah master program approved

(2) Northport master program approved
----- [Statutory Authority: RCW
90.58.030(3)(c), 90.58.120, and 90.58.200. 79-09-001
(Order DE 79-6), § 173-19-410, filed 8/2/79; Order
DE 74-23, § 173-19-410, filed 12/30/74.]

WAC 173-19-420 Thurston County. Thurston
County master program approved May 21, 1976. Revi-
sion approved August 27, 1976. Revision approved Au-
gust 7, 1979.

- (1) Bucoda master program approved May 21, 1976.
- (2) Lacey master program approved May 21, 1976.
- (3) Olympia master program approved May 21, 1976.
- (4) Tenino master program approved May 21, 1976.
- (5) Tumwater master program approved May 21,
1976.
- (6) Yelm master program approved May 21, 1976.
[Statutory Authority: RCW 90.58.030(3)(c), 90.58.120,
and 90.58.200. 79-11-019 (Order DE 79-19), § 173-
19-420, filed 10/9/79; 79-09-001 (Order DE 79-6), §
173-19-420, filed 8/2/79; Order DE 77-16, § 173-19-
420, filed 9/9/77; Order DE 74-23, § 173-19-420, filed
12/30/74.]

WAC 173-19-430 Wahkiakum County.
Wahkiakum County master program approved June 17,
1975.

Cathlamet master program approved June 17, 1975.
[Statutory Authority: RCW 90.58.030(3)(c), 90.58.120,
and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-
430, filed 8/2/79; Order DE 75-21, § 173-19-430, filed
8/12/75; Order DE 74-23, § 173-19-430, filed
12/30/74.]

WAC 173-19-440 Walla Walla County. Walla
Walla County master program approved May 2, 1975.

- (1) Waitsburg master program approved May 25,
1976.
- (2) Walla Walla master program approved February
23, 1977. [Statutory Authority: RCW 90.58.030(3)(c),
90.58.120, and 90.58.200. 79-09-001 (Order DE 79-6),
§ 173-19-440, filed 8/2/79; Order DE 77-16, § 173-
19-440, filed 9/9/77; Order DE 75-21, § 173-19-440,
filed 8/12/75; Order 74-23, § 173-19-440, filed
12/30/74.]

WAC 173-19-450 Whatcom County. Whatcom
County master program approved August 27, 1976. Revi-
sion approved April 11, 1977. Revision approved Au-
gust 11, 1978.

- (1) Bellingham master program approved September
30, 1974.
- (2) Blaine master program approved September 29,
1975. Revision approved August 30, 1977. Revision ap-
proved December 28, 1978.
- (3) Everson master program approved September 29,
1975.
- (4) Ferndale master program approved

- (5) Lynden master program approved September 29,
1975.

(6) Nooksack master program approved September
29, 1975.

(7) Sumas master program approved September 29,
1975. [Statutory Authority: RCW 90.58.030(3)(c), 90-
.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), §
173-19-450, filed 8/2/79; Order DE 77-16, § 173-19-
450, filed 9/9/77; Order DE 76-15, § 173-19-450, filed
5/3/76; Order DE 74-23, § 173-19-450, filed
12/30/74.]

WAC 173-19-460 Whitman County. Whitman
County master program approved February 6, 1975.

- (1) Albion master program approved February 6,
1975.
- (2) Colfax master program approved February 6,
1975.
- (3) Malden master program approved February 6,
1975.
- (4) Palouse master program approved February 6,
1975.
- (5) Pullman master program approved February 6,
1975.
- (6) Rosalia master program approved February 6,
1975.
- (7) Tekoa master program approved February 6,
1975. [Statutory Authority: RCW 90.58.030(3)(c), 90-
.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), §
173-19-460, filed 8/2/79; Order DE 75-21, § 173-19-
460, filed 8/12/75; Order DE 74-23, § 173-19-460,
filed 12/30/74.]

WAC 173-19-470 Yakima County. Yakima County
master program approved September 5, 1974. Revision
approved September 8, 1977.

- (1) Grandview master program approved September
5, 1974.
- (2) Granger master program approved September 5,
1974.
- (3) Naches master program approved September 5,
1974.
- (4) Selah master program approved September 5,
1974.
- (5) Union Gap master program approved September
5, 1974.
- (6) Yakima master program approved September 5,
1974.
- (7) Zillah master program approved September 5,
1974. [Statutory Authority: RCW 90.58.030(3)(c), 90-
.58.120, and 90.58.200. 79-09-001 (Order DE 79-6), §
173-19-470, filed 8/2/79; Order DE 75-21, § 173-19-
470 filed 8/12/75; Order DE 74-23, § 173-19-470,
filed 12/30/74.]

Chapter 173-22 WAC

ADOPTION OF DESIGNATIONS OF WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC

Reviser's note: The maps filed by the Department of Ecology on
August 15, 1978, Order DE 78-15, comprising the designation of as-
sociated wetlands in San Juan County which constitute shorelines of

the state as defined by RCW 90.58.030(c), (d), (e), (f), and (g) have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the maps may be obtained from the Department of Ecology, St. Martin's College, Lacey, Washington 98504.

See also 1977 edition of the Washington Administrative Code.

Chapter 173-24 WAC

REGULATION RELATING TO TAX EXEMPTIONS AND CREDITS FOR POLLUTION CONTROL FACILITIES

WAC

173-24-010	Introduction and purpose.
173-24-030	Definitions.
173-24-060	Action by the department within thirty days—Request for further information.
173-24-070	Identification and classification of facilities.
173-24-080	Approval of a facility.
173-24-100	Operation for the purpose of pollution control.
173-24-110	Meeting the intent and purposes of chapter 70.94 RCW and chapter 90.48 RCW.
173-24-140	Delegation.
173-24-150	Delegation of state responsibilities under federal program.

WAC 173-24-010 Introduction and purpose. Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purpose of this regulation is to establish a procedure for reviewing applications for tax benefits received from the department of revenue for review by the department of ecology, including the establishment of criteria for identifying the individual facilities within each application and, for each facility, approving the facility, approving the facility as a "dual purpose pollution control facility," or denying the facility. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-010, filed 3/14/78; Order DE 70-7, § 173-24-010, filed 8/4/71.]

WAC 173-24-030 Definitions. Unless a different meaning is plainly required by the context, the following words as hereinafter used in this chapter shall have the following meanings:

(1) "Commercial or industrial operation" shall mean the industrial, manufacturing, waste disposal, utility or other commercial establishment operated by an applicant for a certificate under chapter 82.34 RCW.

(2) "Department" shall mean the Washington state department of ecology.

(3) "Dual purpose pollution control facility" or "dual purpose facility" shall mean a facility in which the portion for the purpose of pollution control is so integrated into the total facility with portions for other purposes that separation into identifiable component parts is not possible.

(4) "Facility" shall mean any treatment works, control devices, disposal systems, machinery, equipment, structures or property for which a certificate is applied for under chapter 82.34 RCW or any physically or conceptually identifiable part or accessories thereof.

(5) "Necessary to the manufacture of products" shall mean that without which manufacture of products at the present or proposed level could not be undertaken.

If the manufacture of products could be undertaken at present levels without a facility, even though such manufacture would be uneconomical or impractical, such facility is not necessary to the manufacture of products. However, if a commercial or industrial operation is recovering or producing chemicals or heat for use in the manufacturing process at the time it submits an application, then any facilities necessary for such production or for recovery of chemicals at present percentage rates will be considered necessary to the manufacture of products.

(6) "Pollution" shall mean "air contaminant" and "air pollution" as defined in RCW 70.94.030, and "pollution" as defined in RCW 90.48.020.

(7) "Products" as used in the phrase, "manufacture of products," shall include the item or items which an industrial operation is designed primarily to manufacture or produce.

(8) "Regional or local air pollution control authority" shall mean any local or regional entity or control program considered as an "authority" for the purpose of chapter 70.94 RCW.

(9) "Single purpose facility" shall mean a facility other than a dual purpose facility. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-030, filed 3/14/78; Order DE 70-7, § 173-24-030, filed 8/4/71.]

WAC 173-24-060 Action by the department within thirty days—Request for further information. The department shall within thirty days of receipt of an application from the department of revenue make the identification and classification described in WAC 173-24-070 and approval or denial described in WAC 173-24-080, or it shall request further information from the applicant. A copy of any request from the department to the applicant for further information shall be transmitted to the department of revenue. The failure of the applicant to supply any additional information requested by the department, without reasonable grounds for such failure, may result in disapproval of all or part of the application.

The department shall notify the department of revenue in writing of its decisions on any application submitted to it, and a copy of such notification shall be sent to the applicant by certified mail. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-060, filed 3/14/78; Order DE 70-7, § 173-24-060, filed 8/4/71.]

WAC 173-24-070 Identification and classification of facilities. The department will review each application to determine whether the facility is a single, integrated facility, or can be separated, either physically or conceptually, into identifiable component parts. Each component part shall be considered as a separate facility for

the purpose of the department's review of the application. The department will identify all such facilities within each application.

For each facility identified, the department shall classify it as a "dual purpose facility" or a "single purpose facility." [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-070, filed 3/14/78; Order DE 70-7, § 173-24-070, filed 8/4/71.]

WAC 173-24-080 Approval of a facility. The department shall approve any facility when:

(1) It was installed or intended to be installed for the primary purpose of pollution control, and;

(2) When it is operated or intended to be operated primarily for the purpose of pollution control, and;

(3) When it is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 RCW or chapter 90.48 RCW;

If the facility does not meet these criteria, it shall be denied. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-080, filed 3/14/78; Order DE 70-7, § 173-24-080, filed 8/4/71.]

WAC 173-24-100 Operation for the purpose of pollution control. A facility is operated or intended to be operated primarily for the purpose of pollution control when:

(1) The emissions or effluents from the commercial or industrial operation do or will contain measurably less pollution with the facility installed than they would without the facility installed, and;

(2) For a facility other than a dual purpose facility it is not necessary to the manufacture of products. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-100, filed 3/14/78; Order DE 70-7, § 173-24-100, filed 8/4/71.]

WAC 173-24-110 Meeting the intent and purposes of chapter 70.94 RCW and chapter 90.48 RCW. A facility is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 RCW, and chapter 90.48 RCW, when:

(1) Normal operation of the particular commercial or industrial operation with the facility installed will not be in violation of any provision of chapter 70.94 RCW, or chapter 90.48 RCW and;

(2) Such operation will meet the requirements of any applicable permits, orders, regulations or standards of the department or a regional or local air pollution control authority. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-110, filed 3/14/78; Order DE 70-7, § 173-24-110, filed 8/4/71.]

WAC 173-24-140 Delegation. The powers, duties and functions vested in the department by chapter 82.34 RCW, will be performed by the deputy director of the department or his delegate. [Statutory Authority: RCW

43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-140, filed 3/14/78; Order DE 70-7, § 173-24-140, filed 8/4/71.]

WAC 173-24-150 Delegation of state responsibilities under federal program. The functions of the "state certifying authority" for the federal tax credit program for pollution control facilities shall be performed by the deputy director of the department or his delegate. [Statutory Authority: RCW 43.21A.080-43.21A.090 & chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-150, filed 3/14/78; Order DE 70-7, § 173-24-150, filed 8/4/71.]

Chapter 173-30 WAC

MINIMUM WATER FLOWS--CEDAR RIVER

WAC

173-30-010 through 173-30-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-30-010	Background and authority. [Order 71-7, § 173-30-010, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-020	Applicability. [Order 71-7, § 173-30-020, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-030	Measurement. [Order 71-7, § 173-30-030, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-040	Declaration of minimum flows. [Order 71-7, § 173-30-040, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-050	Future rights. [Order 71-7, § 173-30-050, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-060	Enforcement. [Order 71-7, § 173-30-060, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
173-30-070	Public information. [Order 71-7, § 173-30-070, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.

WAC 173-30-010 through 173-30-070 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 173-58 WAC

SOUND LEVEL MEASUREMENT PROCEDURES

WAC

173-58-010	Introduction.
173-58-020	Definitions.

173-58-030	Instrumentation.
173-58-040	Ambient conditions.
173-58-050	Measurement equipment preparation and use.
173-58-060	Equipment variation allowances.
173-58-070	Environmental noise measurement procedure.
173-58-080	Close proximity exhaust system sound level measurement procedure.
173-58-090	Watercraft sound level measurement procedure.

WAC 173-58-010 Introduction. (1) Authority. Statutory authority for the guidance and direction contained in these procedures is authorized by chapter 70.107 RCW, the Noise Control Act of 1974.

(2) Purpose. The purpose of these rules is to establish standardized procedures for the measurement of sound levels of sources regulated by the department of ecology, including, but not limited to, environmental noise, watercraft, motor racing vehicles, construction, float planes, railroads, and aircraft engine testing.

(3) Personnel. For the purposes of enforcement, personnel shall have received training in the use of equipment and proper site selection. Certification of competence in the use of the sound level measurement procedures established in this chapter shall be provided by the department of ecology upon a showing that the enforcement personnel can perform these procedures to the satisfaction of the department. Certification is not required for enforcement personnel to use the procedures described in this chapter, however training may be given only by persons certified by the department.

(4) These regulations will be amended as needed to include any new instrumentation, equipment, or procedures which the department shall deem necessary to accurately measure sound levels for enforcement purposes. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-010, filed 3/22/79.]

WAC 173-58-020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

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

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

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.

(7) "Local government" means county or city government or any combination of the two.

(8) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(9) "Operator" means any person who is in actual physical or electronic control of a powered watercraft,

motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified in WAC 173-60-040 shall not be exceeded from sources outside such property.

(14) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

(15) "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1971.

(16) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water. A new watercraft is any watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979 and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-020, filed 3/22/79.]

WAC 173-58-030 Instrumentation. The following instrumentation and equipment shall be used for the measurement procedures established in this chapter:

(1) Sound level meter. The sound level meter shall meet the Type 1, Type 2, or Type 3 requirements of ANSI S1.4-1971. The meter weighting and response mode will be set as required in the specific procedure used. The sound level meter shall be returned to the manufacturer or a qualified laboratory at least once a year, to be calibrated to standards traceable to the National Bureau of Standards.

Type 1, Type 2, or Type 3 sound level meters shall be used for any initial inspection procedures, but only Type 1 or Type 2 sound level meters shall be used for the measurement of sound levels for enforcement purposes.

(2) Sound level calibrator. An acoustically coupled calibrator shall be used periodically to assure the accuracy of the sound level meter and microphone. The calibrator shall be returned to the manufacturer or a qualified laboratory at least once a year to be calibrated to standards traceable to the National Bureau of Standards.

(3) Tachometer. The tachometer shall be either one of two types: electric or vibrating reed. The electric tachometer shall be an inductive pickup type for easy attachment to any spark plug cable, contain its own internal power supply, and shall meet SAE J197 specifications for off road electric tachometers. The vibrating reed tachometer shall be designed for use on any internal combustion engine. Calibration accuracy for both types of tachometers shall be at least ± 3 percent of full scale reading. All tachometers shall be calibrated at least once a year in accordance with the manufacturer's calibration procedures.

(4) Windscreen. A windscreen of open cell foam, cloth, or other acoustically invisible material as shall be provided by the manufacturer, shall be placed over the microphone to protect it from moisture, exhaust gases and wind effects.

(5) Anemometer. An anemometer shall be used periodically during measurements to test the wind speed. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-030, filed 3/22/79.]

WAC 173-58-040 Ambient conditions. The following ambient conditions shall be observed during measurements and shall determine whether testing is to occur or not:

(1) Wind. Sound level measurements shall not be made when the wind speed is in excess of:

(a) 20 mph (32 km/hr) for the close proximity test, WAC 173-58-080;

(b) 12 mph (19 km/hr) for all other tests.

(2) Precipitation. Sound level measurements shall not be made when precipitation is falling in such a way as to affect the equipment or the measurement readings.

(3) Background sound level. Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dBA, unless, the measurement personnel are technically qualified to logarithmically subtract the background level from the measured source's sound level. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-040, filed 3/22/79.]

WAC 173-58-050 Measurement equipment preparation and use. (1) Battery check. A battery check shall be conducted on all instruments before field calibration and measurement.

(2) Calibration. Sound level meters shall be field calibrated (using procedures described in the manufacturer's instruction manual) at the beginning and end of each measurement period, and at intervals not exceeding two hours when the instrument is used for more than a two-hour period.

(3) Microphone orientation. The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-050, filed 3/22/79.]

WAC 173-58-060 Equipment variation allowances. Due to unavoidable variations in measurement sites and test instruments, the following allowances shall be made for the respective sound level meters:

± 1 dBA for Type 1 sound level meters
 ± 2 dBA for Type 2 sound level meters

This tolerance value shall be applied, after all necessary calculations have been made, to the final reported sound level for the measured sound source. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-060, filed 3/22/79.]

WAC 173-58-070 Environmental noise measurement procedure. (reserved) [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-070, filed 3/22/79.]

WAC 173-58-080 Close proximity exhaust system sound level measurement procedure. This section establishes specific procedures for the measurement of sound levels from exhaust systems at a distance of 20 inches (0.5 meter) from the exhaust outlet. The procedures of subsections (3), (4) and (5) of this section shall not be used for exhaust systems which utilize the introduction of water to the exhaust gas flow for the purpose of muffling the exhaust noise levels, or systems which exhaust the gas flow directly into water.

(1) For the purposes of this section "vehicle" means any motor driven contrivance used as a means of transportation or recreation off of public highways.

(2) Initial inspection. An initial inspection of the vehicle exhaust system shall be conducted to determine if the following defects or modifications exist:

(a) The absence of a muffler;

(b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;

(c) Defects in the exhaust system including, but not limited to, pinched outlets, and holes or rusted through areas of the muffler or pipes;

(d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

If the above defects are observed and are a violation of the muffler integrity standards established for the type of vehicle which is being inspected, then a citation shall be issued in accordance with the enforcement section of the applicable regulation.

An evaluation of the vehicle sound level shall also be made by the enforcement officer, using the human ear as a sensing device.

If the exhaust noise is discernibly louder than the engine noise, or if any of the defects or modifications described above exist but are not violations of applicable

regulations, the enforcement officer shall request the vehicle operator to submit the vehicle to any measurement procedures described in this chapter which are applicable to the type of vehicle being inspected. If the operator refuses to submit the vehicle to these measurement procedures, he shall be in violation of this chapter.

(3) Test site and instrumentation set up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a flat, open area free of large, sound-reflecting surfaces (other than the surface on which the vehicle is resting), such as signboards, buildings, large docks, hillsides, or other vehicles, located within a 16-foot (5-meter) radius of the vehicle being tested and the location of the microphone. The vehicle shall not be on a hoist, rack, or over a pit. Testing shall not occur within a shop or building. Nobody shall stand in the measurement area, except the observer and the vehicle operator.

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but no closer to any surface than 8 inches (0.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground, 20 ± 1 inches (0.5 meter) from the edge of the exhaust outlet, and 45 ± 10 degrees from the axis of the outlet. For exhaust outlets located inboard from the vehicle body, the microphone shall be located at the above specified angle and at least 8 inches (0.2 meter) from the nearest part of the vehicle.

For vehicles provided with exhaust outlets spaced more than 12 inches (0.3 meter) apart, measurements shall be made for each outlet as if it were the only one, and the highest level shall be recorded. If the exhaust outlets are less than twelve inches (0.3 meter) apart, a single measurement shall be made for any one of the outlets.

For vehicles with a vertical exhaust, the microphone shall be placed at a height of 48 ± 2 inches (1.2 meter). Its axis shall be vertical and oriented upwards. It shall be placed at a distance of 20 ± 1 inches (0.5 meter) from the side of the vehicle nearest the exhaust outlet.

For vehicles with the exhaust system outlet near the engine, the engine hood (if one exists) should be closed as much as possible to reduce engine noise.

If a measuring device is attached to the exhaust outlet and the microphone to maintain proper distance, insure that no vibrations from the vehicle shall be transmitted to the instrument.

(4) Vehicle operation. The vehicle shall be operated as follows:

(a) Controlled ignition vehicles. The engine shall be operated at a normal operating temperature with transmission in park or neutral. Sound level measurements shall be made at three-fourths (75 percent) of the RPM for rated horsepower ± 100 RPM of meter reading.

(b) Vehicles with motorcycle engines. The engine shall be operated at normal operating temperatures with the transmission in neutral. If no neutral is provided, the vehicle shall be operated either with the rear wheel or wheels 2-4 inches (5-10 centimeters) clear of the ground, or with the drive chain or belt removed. The

sound level measurement shall be made with the engine speed stabilized at one of the following values:

(i) If the engine data is available, test the vehicle at one-half (50 percent) of the RPM for maximum rated horsepower ± 100 RPM.

(ii) If the engine data is not available, and if the vehicle has a tachometer showing the manufacturer's recommended maximum engine speed ("Red Line"), test the vehicle at 60 percent of the "Red Line" RPM ± 100 RPM.

(iii) If the engine data and red line RPM are not available, test the vehicle at:

(A) 3500 ± 100 RPM for engines with total cylinder displacement between 0-950 cc (0-58 in.³).

(B) $2800 \text{ RPM} \pm 100 \text{ RPM}$ for engines with total cylinder displacement greater than 950 cc (58 in.³).

(c) Diesel engine vehicles. The engine shall be operated at normal operating temperatures with transmission in park or neutral. Sound level measurements shall be made at the vehicle's maximum governed no-load speed. If the engine is not provided with a governor, the vehicle shall be operated in the same manner as a vehicle with a controlled ignition.

(5) Measurement. The exhaust system sound level shall be measured as follows:

(a) The sound level meter shall be set for slow response and on the "A" weighting scale.

(b) The sound level meter shall be observed during the full cycle of engine acceleration-deceleration. The recorded sound level shall be the highest value obtained at the appropriate, constant engine speed as specified in subsection (4) of this section, and shall exclude peaks due to unrelated ambient noise, engine noise, or extraneous impulsive-type noise.

(c) At least two measurements shall be made, and the reported sound level shall be the average of the two highest readings which are within one dBA of each other. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-080, filed 3/22/79.]

WAC 173-58-090 Watercraft sound level measurement procedure. This section establishes specific procedures for the measurement of watercraft sound levels.

(1) Initial inspection. An initial inspection may be made to determine if the watercraft shall be required to undergo the pass-by measurement described in subsections (2), (3), and (4) of this section.

(a) A Type 3 or better sound level meter shall be used to measure the sound level of any watercraft. The microphone shall be located in a boat or on a dock and no closer than 2 feet from any surface of the boat or dock.

(b) The watercraft shall be measured as it passes at a distance not less than 50 feet from the microphone.

(c) The enforcement officer shall require the watercraft operator to submit to a pass-by or exhaust system sound level measurement if the initial inspection level is within 2 dBA of, or greater than, the levels established in WAC 173-70-040(3).

(2) Test site and instrumentation set-up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a calm body of water, large enough to allow full-speed pass-bys. The area around the microphone and boat shall be free of large obstructions, other than the deck or platform on which the microphone is standing, such as buildings, boats, hills, large piers, breakwater, etc., for a minimum distance of 100 feet (30 m). Three markers (buoys or posts) shall be placed in line, 50 feet (15 m) apart, to mark the course the boat is to follow while being tested.

(b) The sound level meter shall be a Type 2 or better. The microphone shall be placed 50 feet (15 m) from the line determined by the three markers, normal to the line and opposite the center marker. It shall also be placed 4-5 feet (1.2-1.5 m) above the water surface and no closer than 2 feet (0.6 m) from the surface of the deck or platform on which the microphone stands, as near to the end of the deck or platform as possible or overhanging the end of the deck or platform.

(3) Watercraft operation. The watercraft shall pass within 1-3 feet (0.3-0.9 meter) on the far side of all three markers, on a straight course.

(a) Watercraft which weigh less than 7,000 lbs. gross weight shall be operated according to the following procedure. The watercraft shall approach the first marker at idle speed. When the bow is even with the first marker, the engine shall be immediately accelerated to its full throttle RPM range. The watercraft shall continue to accelerate until its bow passes the third marker.

(b) Watercraft which weigh 7,000 lbs. or more gross weight shall be operated at the midpoint of the manufacturer's recommended maximum continuous (or "cruise") RPM range, \pm 100 RPM. The watercraft shall be at this speed when it passes the first marker, and shall continue to operate at this speed until its bow passes the third marker.

(4) Measurement. The watercraft sound level shall be measured as follows:

(a) The sound level meter shall be set for fast response and on the "A" weighting scale.

(b) The meter shall be observed during the entire passby. The applicable reading shall be the sound level obtained as the stern of the watercraft passes the middle marker. Peaks due to unrelated ambient noise, water noise from waves or wakes, propeller cavitation noise, or extraneous impulsive-type noise shall be excluded. At least two measurements shall be made for each side of the watercraft. All values shall be recorded.

(c) The sound level for each side of the watercraft shall be the average of the two highest readings which are within 1 dBA of each other, rounded to the nearest 0.5 dBA. The reported sound level shall be that of the loudest side of the watercraft.

(5) New watercraft shall be tested according to the specifications of the SAE J34 measurement procedure. [Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-090, filed 3/22/79.]

Chapter 173-70 WAC WATERCRAFT NOISE PERFORMANCE STANDARDS

WAC

173-70-010	Introduction.
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WAC 173-70-010 Introduction. (1) Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish noise performance standards for watercraft operating on all waters of Washington state.

(2) Local needs. The standards established in this chapter assume a general view toward providing as many methods of watercraft noise measurement as possible. Nothing in these regulations is meant to require a local government to adopt every standard in this chapter. Specific local needs shall dictate the specific standards which the local government shall adopt. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-010, filed 3/22/79, effective 5/1/79.]

WAC 173-70-020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) "dB(A)" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

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

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

(4) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(5) "Local government" means county or city government or any combination of the two.

(6) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an engine, or for the purpose of introducing water to the flow of the exhaust gas, and which is effective in reducing noise from the engine exhaust.

(7) "Noise" means the intensity, duration, and character of sounds, from any and all sources.

(8) "Operator" means any person who is in actual physical or electronic control of a powered watercraft.

(9) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(10) "Property boundary" means the surveyed line at ground surface which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(11) "Receiving property" means real property within which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.

(12) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 as specified in the American National Standards Institute Specification S1.4-1971.

(13) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore connected facility.

(14) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water, including model craft, powered by an internal or external combustion engine.

(15) "New watercraft" means a watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979, and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale.

(16) "Waters of Washington state" include all lakes, rivers, ponds, streams, inland waters, saltwaters and all other surface waters and watercourses within the jurisdiction of the state of Washington. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-020, filed 3/22/79, effective 5/1/79.]

WAC 173-70-030 Identification of receiving property environments. (1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA – Properties where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential.
- (ii) Multiple family living accommodations.
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts).
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health, and correctional facilities).

(b) Class B EDNA – Properties involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations.
- (ii) Commercial dining establishments.
- (iii) Motor vehicle services.
- (iv) Retail services.
- (v) Banks and office buildings.

(vi) Miscellaneous commercial services, property not used for human habitation.

(vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks).

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA – Properties involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods.
- (iii) Agricultural, aquacultural, and silvicultural property used for the production of crops, wood products, food products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of subparagraphs (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones – Class A EDNA;
- (b) Commercial zones – Class B EDNA;
- (c) Industrial zones – Class C EDNA.

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance, but within the coverage of an adopted comprehensive plan, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas – Class A EDNA;
- (b) Commercial areas – Class B EDNA;
- (c) Industrial areas – Class C EDNA.

Upon approval by the department, EDNAs so designated shall be set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquility, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate

watercraft noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-030, filed 3/22/79, effective 5/1/79.]

WAC 173-70-040 Standards. (1) Any watercraft operated on the waters of Washington state shall be equipped with a muffler which shall be maintained in proper working condition. Any of the following defects in the muffling system shall constitute a violation of this regulation:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
- (c) Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
- (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

(2) No person shall operate any watercraft on the waters of Washington state in such a manner as to exceed the following maximum noise limits when measured at the shoreline or anywhere within a receiving property:

- (a) At any hour of the day or night, the limit for any receiving property shall be 74 dBA;
- (b) Between sunset and sunrise, the limit for a Class A EDNA receiving property shall be 64 dBA.

Enforcement of the above standards shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for persons in parks, recreational areas, and wildlife sanctuaries.

(3) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of not less than fifty feet from the closest point of the watercraft's hull according to procedures established in WAC 173-58-090, "Watercraft Sound Level Measurement Procedure".

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 84 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

(4) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of twenty inches (0.5 meter) from the exhaust outlet according to procedures established in WAC 173-58-080, "Close Proximity Exhaust System Sound Level Measurement Procedure". These standards shall not apply to exhaust systems which utilize the introduction of water to the exhaust gas flow, or systems which exhaust the gas directly into water.

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 98 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 96 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 94 dBA.

(5) No person shall sell or offer for sale a new watercraft or new watercraft engine for use in any existing watercraft which exceeds the following maximum noise limits when measured according to the procedures of the society of automotive engineer's recommended practice SAE-J34.

(a) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(b) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-040, filed 3/22/79, effective 5/1/79.]

WAC 173-70-050 Exemptions. (1) Normal docking, undocking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from the provisions of WAC 173-70-040(2).

(2) The following sounds shall be exempt from all provisions of WAC 173-70-040.

(a) Sounds created by the operation of commercial, nonrecreational watercraft. These commercial activities include, but are not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate, interstate or international commerce.

(b) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device.

(c) Sounds created by a warning device not operating continuously for more than five minutes.

(d) Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community.

(e) Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, clam and oyster harvesting are exempt, however, such operations are not exempt from requirements of chapter 173-60 WAC "Maximum Environmental Noise Levels".

(3) The provisions of WAC 173-70-040 shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, motorboats preparing for an officially sanctioned race or regatta are exempt if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

(4) Nothing in these exemptions is intended to preclude the enforcing or permitting authority from requiring installation of the best available noise abatement technology consistent with economic feasibility. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-050, filed 3/22/79, effective 5/1/79.]

WAC 173-70-060 Nuisance regulations not prohibited. Nothing in this chapter or the exemptions provided herein shall be construed as preventing local government from regulating noise from watercraft as a nuisance. Local resolutions, ordinances, rules, or regulations regulating watercraft noise on such a basis shall not be deemed inconsistent with this chapter by the department. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-060, filed 3/22/79, effective 5/1/79.]

WAC 173-70-070 Future standards. It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter. Adoption of these standards will depend on the extent of future local needs, and on the provision of adequate legislative funding to conduct studies providing necessary data.

(1) Sounds created by commercial, nonrecreational watercraft through the amendment of this chapter.

(2) Sounds created by watercraft racing events through the amendment of this chapter. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-070, filed 3/22/79, effective 5/1/79.]

WAC 173-70-080 Implementation schedules. (1) Conditions of issuance.

The department or local entity with an ordinance which has been approved by the department may approve and issue to any person an implementation schedule for meeting any particular requirement of this chapter if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) Request procedure.

Implementation schedules shall be issued only upon application in writing to the department or local entity with an approved ordinance. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-080, filed 3/22/79, effective 5/1/79.]

WAC 173-70-090 Enforcement. (1) Measurements shall be made with a sound level meter meeting Type 1 or Type 2 standards as specified in the American National Standards Institute Specifications S1.4-1971 to document violations for final enforcement actions under measurement procedures established in chapter 173-58 WAC.

(2) Any law enforcement officer or noise control enforcement personnel shall be competent in the use of sound measuring equipment. The personnel shall be

trained by the department, or by a person certified by the department, in the use of the watercraft sound level measurement procedures established in chapter 173-58 WAC. Any enforcement personnel who by the use of the initial inspection procedure of WAC 173-58-080(2) suspects that a watercraft may be in violation of the standards of this chapter, shall require the operator to submit to a measurement of the sound level of the watercraft according to the procedures of chapter 173-58 WAC: *Provided*, That the enforcement personnel shall have discretion in determining whether measurement would occur under unsafe conditions. Weather, water conditions, operator competence, and similar considerations shall be taken into account. If conditions are unsafe, measurement shall not be required. Shoreline measurements shall be made under any conditions, except as provided in WAC 173-58-040, Ambient Conditions.

(3) Any operator who fails to comply with the directive to submit to a sound level measurement shall be in violation of this chapter.

(4) Any person operating a watercraft found in violation of the established noise levels of this chapter shall be subject to a civil penalty not to exceed one hundred dollars per day of violation.

(5) Any seller, importer, or manufacturer who violates the standards in WAC 173-70-040(4) shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Each watercraft or engine offered for sale or sold shall constitute a separate violation. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-090, filed 3/22/79, effective 5/1/79.]

WAC 173-70-100 Appeals. Any person aggrieved by any final decision of the department in relation to the enforcement of the watercraft noise levels provided for in this chapter, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-100, filed 3/22/79, effective 5/1/79.]

WAC 173-70-110 Cooperation with local government. (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes watercraft noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within sixty days of receipt of such local ordinance or resolution by the department, shall deliver its statement or order of

denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-110, filed 3/22/79, effective 5/1/79.]

WAC 173-70-120 Effective date. This chapter shall become effective on May 1, 1979. It is the intention of the department to periodically review the provisions in this chapter as new information becomes available for the purpose of making amendments as appropriate. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-120, filed 3/22/79, effective 5/1/79.]

Chapter 173-124 WAC

QUINCY GROUND-WATER MANAGEMENT SUBAREA AND ZONES

WAC

173-124-06001 Subarea, zone, and unit distinctions.

WAC 173-124-06001 Subarea, zone, and unit distinctions. The Quincy unconsolidated zone and the Quincy basalt zone, defined at WAC 173-124-050, are separate and distinct depth zones, as that term is used in chapter 90.44 RCW. The Quincy unconsolidated zone and the Quincy basalt zone are different than the Quincy shallow management unit and the Quincy deep management unit, which are defined at WAC 173-134-020.

The horizontal boundaries of the Quincy depth zones and the Quincy management units are identical to the exterior boundaries of the Quincy Groundwater Subarea, and no Quincy depth zone or management unit extends beyond those boundaries, for comprehensive water management purposes. Neither does any depth zone of the Odessa Groundwater Subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries of the Odessa Groundwater Subarea, as those are defined and indicated at chapter 173-128 WAC. The bodies of ground water contained within the exterior boundaries of the Quincy Groundwater Subarea are considered to be separate and distinct from the bodies of ground water contained within the exterior boundaries of the Odessa Groundwater Subarea, which is significantly different than the Quincy Groundwater Subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy Groundwater Subarea and the Odessa Groundwater Subarea, and the differences among depth zones and management units. This regulation merely restates what the Department of Ecology consistently has understood to be the meaning and effect of this chapter and related chapters, notwithstanding any other understanding by the public or any other agency or board, federal or state. [Statutory Authority: RCW 43.21A.080, 43.27A.090 & 90.44.130. 78-05-007

(Order DE 77-36), § 173-124-060, (codified as WAC 173-124-06001), filed 4/7/78.]

Chapter 173-134 WAC

THE ESTABLISHMENT OF REGULATIONS FOR THE ADMINISTRATION OF THE QUINCY GROUND WATER SUBAREA ESTABLISHED PURSUANT TO RCW 90.44.130

WAC

- 173-134-010 Administration of withdrawal of ground waters in the Quincy subarea.
- 173-134-050 Quincy Ground Water Subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions.
- 173-134-055 Quincy Ground Water Subarea—Public ground water permit amendments.
- 173-134-060 Regulation of water of the shallow management unit—Permit requirements.
- 173-134-140 Artificially stored ground water permit applications—Lands not covered by declarations.
- 173-134-150 Area described at department Order No. DE 75-54—Public ground water permits.
- 173-134-160 Authorized and unused public ground water in deep management unit—Reservation.

WAC 173-134-010 Administration of withdrawal of ground waters in the Quincy subarea. The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters, including, among others, commingled public ground waters and artificially stored ground waters, within a subarea and zones (hereinafter the Quincy subarea) established by the department of ecology on January 15, 1973 pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC. The rules established herein set forth the regulatory and management program for such waters and all such waters shall be authorized for withdrawal and otherwise regulated by the department in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder or holders of declarations accepted by the department pursuant to RCW 90.44.130. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-010, filed 7/26/79; Order 74-35, § 173-134-010, filed 1/9/75.]

WAC 173-134-050 Quincy Ground Water Subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions. All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and RCW 90.44.060 and related code sections. The total withdrawals from the deep management unit shall not exceed 97,901 acre-feet per year pending the outcome of further studies by the department. However, as an aid to such further studies, this limitation on the amount of water that may be withdrawn from the deep management unit shall not prohibit

the department from exercising its discretionary authority in issuing permits and certificates allowing the withdrawal of waters in the deep management unit from a water-bearing stratum, or from water-bearing strata, that are sufficiently distinct and distinguishable from the strata in said unit from which withdrawals are made at present. Said permits shall be issued with such terms or conditions that the department deems reasonable in order to protect existing rights and the public interest, and to provide the department with such information as it deems necessary for the purposes of its management and study of ground waters in the subarea, including but not limited to such terms and conditions as casing and sealing, logging, metering, and limiting well depth. For purposes of the management scheme of this regulation, such withdrawals shall not be computed to help determine the total of actual or authorized withdrawals from the deep management unit. No certificate of water right as provided for in RCW 90.44.080 shall be issued until the department determines that all provisions of the permit have been fully complied with and that existing rights are not adversely affected by the permitted withdrawal, authorized hereunder for study purposes. Should the contrary be found, permits issued under this section shall be terminated in whole or in part. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-050, filed 7/26/79; Order 74-35, § 173-134-050, filed 1/9/75.]

WAC 173-134-055 Quincy Ground Water Subarea--Public ground water permit amendments. The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including amendments regarding changes in points of withdrawal, purpose, and places of use, only if it believes after investigation that the amendment or amendments will not or may not tend to:

- (1) Impair existing rights;
- (2) Prove detrimental to the public welfare;
- (3) Prove contrary to the public interest;
- (4) Cause the tapping of a different body of ground water (as defined herein or as determined by the department on a case-by-case basis); and
- (5) Adversely affect the comprehensive scheme of water management adopted for the Quincy subarea.

The above standards are intended to supplement and complement those of RCW 90.03.290 and 90.44.100.

In addition, with regard to holders of permits or certificates for the use of public ground waters in the Quincy subarea, said permits and certificates shall represent "a valid right to withdraw public ground waters," as that term is used in RCW 90.44.100, only to the extent of beneficial use actually made under the permit or certificate. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-055, filed 7/26/79.]

WAC 173-134-060 Regulation of water of the shallow management unit--Permit requirements. Waters of the shallow management unit shall be subject to the following:

(1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of chapters 90.44 and 90.03 RCW.

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, RCW 90.44.060 or otherwise, under state law, shall not exceed 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic uses, including withdrawals for group domestic uses. No applications for withdrawals for uses, other than for such domestic uses, shall be approved by the department.

(2) No artificially stored ground waters shall be withdrawn by any person without obtaining permission of the department of ecology. Permission to withdraw shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application the following shall apply:

(a) Each permit shall be conditioned to insure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir Facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to insure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to insure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea, wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134-100 shall constitute grounds for the department to suspend or terminate a permit issued under this subsection (2).

(e) Applications for permits shall be processed as follows:

(i) Applications may be filed immediately after the effective date of this chapter. No actions upon applications shall be taken until February 14, 1975. Applications filed between the effective date of this chapter and by February 14, 1975 shall be ruled on in the following order:

(I) Applications for permission to withdraw artificially stored ground waters which are accompanied by a copy of a notice of intention to withdraw ground water filed with the department (or one of its predecessor agencies) under WAC 508-14-010(3a) or an application for a water right filed with the department (or one

of its predecessor agencies) under RCW 90.44.060, and pursuant to WAC 508-14-010(3a), covering the same proposed withdrawal of ground water between May 12, 1967 and the effective date of this chapter, shall be processed in order of the date of filing said notice or application with the department. Whenever both a notice of intention and an application, as described in this subsection, were filed in relation to the same proposed withdrawal, the earliest date of filing shall control the order of processing. Applications for permission to withdraw artificially stored waters filed after February 14, 1975, even though accompanied by a notice of intention or an application, as described in this subsection, shall be processed in accordance with WAC 173-134-060(2)(e)(ii).

(II) All other applications for artificially stored ground waters shall be processed after the completion of rulings upon the applications described in WAC 173-134-060(2)(e)(i)(I), and shall be processed in the order of the filing of the application.

(ii) All applications received after February 14, 1975 shall be processed in order of their date of filing with the department of ecology.

(f) Permits granted herein shall pertain to a specific point of withdrawal, and purpose, and place of use.

No assignment of such permits can be made without written approval of the department. The department may approve an amendment to permits granted herein, including an amendment regarding changes in point of withdrawal, purpose, and place of use, if it believes after investigation that the amendment will not, or may not tend to, result in the consequences set out in WAC 173-134-055(1) through (5). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(g) No permit shall authorize the withdrawal of waters from a well for agricultural irrigation use in an amount of more than 1,120 acre-feet annually for irrigation of not more than 320 acres. In the processing of an application for authorization to withdraw more than 1,120 acre-feet annually, the department shall issue a separate permit for each well relating to the application.

(h) The term of a permit issued hereunder shall be ten years provided, however, the permit shall be modifiable and terminable by the department at any time within said term for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134-070. As hereinafter provided in this subsection (h), a permit issued under WAC 173-134-060(2) shall be extendable for a single 10-year period. Unless a permit has been terminated prior to the beginning of the last year of its term, the department shall, by certified mail, notify the holder of a permit issued under WAC 173-134-060(2), not less than 365 days prior to the end of a term of a permit, that the department has determined:

(i) not to extend the permit for the one additional 10-year term, or

(ii) to extend the permit with conditions differing from those of the existing permit. Such notice shall specify the reasons for the action of the department and direct the permittee, if he should disagree with such action, to appear at a specified time and place when the facts supporting the determination of the department will be presented.

Upon completion of such presentation of facts and any facts presented by the permittee, the department shall issue a final order pertaining to the extension or nonextension. Failure of the permittee to appear at the time and place stated in the notice shall be conclusively deemed as a voluntary relinquishment of any extension privilege in the permit subjected to a notice, and the permit shall automatically terminate at the end of its term. Permits not subjected to a notice as provided herein shall automatically be extended for one 10-year term under the same terms and conditions as originally issued.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use pursuant to each permit's approved development plan within a period of no more than three years from the date of permit issuance. The department, in its discretion, may extend any such schedule for good cause. Any permit under which development has not been completed within its given development schedule automatically shall cancel, to the extent of nondevelopment, at the end of the period provided in the schedule. Notices of intended cancellation shall be mailed to permittees not less than sixty days before the end of the development schedule.

(i) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(j) There shall be no fee for filing an application for a permit authorized for issuance under this chapter. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(k) Each permit shall be conditioned to require that wells be equipped with a flow-meter device as provided in chapter 508-64 WAC. It shall also be conditioned that for a reporting period ending November 30, and such other dates as the department may by regulatory order require, a report shall be filed by the permittee with the department of ecology on a form provided by the department, not later than thirty days after the last day of the reporting period, setting forth the meter reading and the water volume withdrawn in acre-feet, if any, from the well during the immediately preceding reporting period. The report shall be required even though no waters were withdrawn during the reporting period.

A copy of each report shall be filed by the permittee with the bureau.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a cumulative total, at a maximum, of no more than 177,000 acre-feet for each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967 and the effective date of this regulation and which are also the subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit unless further studies indicate sufficient available water in the deep management unit to warrant issuance of a permit for such withdrawal from the deep management unit.

(m) No person or entity shall be authorized to withdraw water for agricultural irrigation use on more than 5,000 acres total developed in yearly increments not exceeding 1,000 acres.

(n) The duty of water for agricultural irrigation uses shall be, based upon the total acreage authorized by permit for irrigation, at a rate of not more than 3.5 acre-feet for each acre for each calendar year.

(o) In addition to the above, except as hereinafter provided in this subsection (o), no applications for permits submitted pursuant to WAC 173-134-060(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau wasteways and from wells located on lands underlain by ground water that hydraulically responds to changes in the water level in the Potholes Reservoir, where land areas are designated as provided in the next sentence. From time to time, when necessary to protect public and private interests in the Quincy subarea and to otherwise provide proper implementation of this chapter, the department shall, through the issuance of regulatory orders, designate specifically described geographic areas of land adjacent to the wasteways and lands underlain by ground waters that hydraulically respond to changes in Potholes Reservoir. In the case of wasteways, and pond waters directly associated therewith, a designation shall be not less than one-quarter mile or more than three-quarters mile in width on each side of said wasteways and pond areas. Within land areas designated as described in the two preceding sentences, the only applications for permits to withdraw ground waters from wells within said land areas to be considered for approval pursuant to WAC 173-134-060(2) shall be in relation to wells which existed prior to the date of adoption of these regulations and waters were withdrawn from said wells under authority of licenses issued by the bureau between May 12, 1967 and the effective date of this chapter.

(3) Two fundamental bases of the program of the department in the regulation and management of artificially stored ground waters are:

(a) To insure that the bureau is provided with adequate supplies of such water to satisfy project needs of

the bureau, both for the present and the future, for service out of Potholes Reservoir;

(b) To provide methods and procedures to insure that the holder of an accepted declaration receives reasonable fees for artificially stored ground water withdrawn by others under authority of permits issued under this subsection. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-060, filed 7/26/79; Order DE 75-4, § 173-134-060, filed 2/21/75; Order 74-35, § 173-134-060, filed 1/9/75.]

WAC 173-134-140 Artificially stored ground water permit applications—Lands not covered by declarations. If, at the effective date of this section, there exist permits authorizing the withdrawal of artificially stored ground waters for lands not included in the declarations referred to in WAC 173-134-030, said permits either shall be canceled immediately or shall be treated as applications for public ground water permits, at the option of the permittee and may be treated as temporary public ground water permits. If the permits are considered as applications for public ground water, the department shall process said applications consistent with chapter 90.44 RCW and this regulation. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-140, filed 7/26/79.]

WAC 173-134-150 Area described at department Order No. DE 75-54—Public ground water permits. The department shall determine the total quantity of water authorized under public ground water permits and certificates for use in the area described at department of ecology order, Docket No. DE 75-54, but not actually being used, after which the department may issue public ground water permits to applicants for use in said area in amounts the total of which shall not exceed the quantity determined to be available. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-150, filed 7/26/79.]

WAC 173-134-160 Authorized and unused public ground water in deep management unit—Reservation. The department has the authority to determine the quantity of water authorized under public ground water permits and certificates for use from the deep management unit but not actually being used. The department, in its discretion, may issue public ground water permits in amounts, the total of which shall not exceed said quantity. In such issuance the department shall give due regard to policies regarding water allocation as found in chapter 90.54 RCW and other relevant statutes, taking into account such matters as the highest feasible use of the identified waters. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-160, filed 7/26/79.]

Chapter 173-160 WAC
MINIMUM STANDARDS FOR CONSTRUCTION
AND MAINTENANCE OF WATER WELLS

WAC

- 173-160-090 Design and construction—Well completion—General.
- 173-160-09001 Recommended well diameters.
- 173-160-100 Design and construction—Sealing materials.
- 173-160-200 Upper terminal of well.
- 173-160-290 Abandonment or destruction of wells.

WAC 173-160-090 Design and construction—Well completion—General. The well may be completed with screens, perforated liners or pipe, or open bottom; these shall be of sufficient strength to withstand the forces to which they are subjected during and after construction. It is the responsibility of the well driller or designer to instruct the owner or his representative as to the most appropriate method of completion. Wells shall be completed in a manner which prevents the production of in-ordinate amounts of sand or turbid water.

(1) **Standard Open Bottom Completion.** Open bottom completion shall be considered appropriate only where the withdrawn waters are essentially free of sand, silt and turbidity.

(2) **Perforated Pipe Completion.** Perforated pipe completion shall be considered suitable only for a coarse-grained, permeable aquifer where the withdrawn waters are free of excessive sand, silt or turbidity.

Perforations above the static water level shall not be permitted. Wells may be completed with perforations as follows:

(a) In-place perforations with Star, Mills knife, or similar type perforators.

(b) Perforated pipe liners, either torch-cut, mill-slotted or punched. Such liners may be of steel, plastic or other suitable corrosion-resistant material, but if other than steel, a full evaluation of the structural stability of the liner must be made prior to its placement. They may be used in a natural development or gravel-packed type of construction. Where appropriate, the top of the liner shall be fitted with neoprene or lead packers or grout sealed to the well casing. The bottom of the liner shall be fitted with a suitable closure. *The use of pre-perforated casing for working casing as the hole is being drilled is prohibited*, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the pre-perforated casing in all respects for the specific well being constructed.

(3) **Well Screens.** Well screens (and well points) shall be constructed of one type of corrosion-resistant material. Where appropriate, suitable neoprene or lead packers or grout seal shall be fitted to the top of the well screen assembly. The bottom of well screens shall be fitted with a suitable closure.

(4) **Alignment.** A completed well must be so constructed that the drill hole and/or installed casing does not deviate from an alignment that would allow a 20 foot dummy section of pipe of no more than one diameter size smaller than the casing liner or drilled hole to be

inserted to the bottom of the well without binding. Minimum specifications for casing sizes for various ranges in well yield or pumping rate are shown under WAC 173-160-09001. [Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-090, filed 1/10/79; Order 73-6, § 173-160-090, filed 4/30/73.]

WAC 173-160-09001 Recommended well diameters.

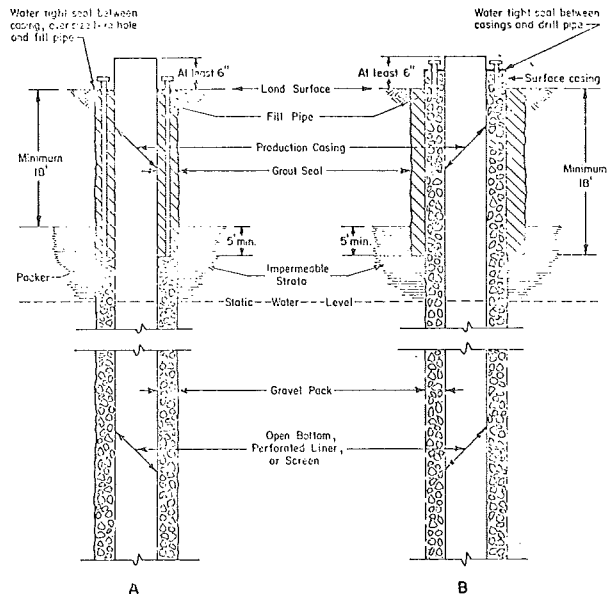
Anticipated Well Yield, in gpm	Nominal Size of Pump Bowls, in inches	Optimum Size of Well Casing, in inches	Smallest Size of Well Casing, in inches
Less than 100	4	6 ID	5 ID
75 to 175	5	8 ID	6 ID
150 to 400	6	10 ID	8 ID
350 to 650	8	12 ID	10 ID
600 to 900	10	14 OD	12 ID
850 to 1300	12	16 OD	14 OD
1200 to 1800	14	20 OD	16 OD
1600 to 3000	16	24 OD	20 OD

[Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-09001, filed 1/10/79.]

WAC 173-160-100 Design and construction—Sealing materials. Puddling clay shall consist of any stable, fine-grained, impervious material with at least 50% bentonite with the maximum size of the remaining portion not exceeding that of coarse sand (.5 mm - .1 mm), which is capable of providing a water tight seal between the casing and formation throughout the depth required to protect against objectionable matter and which is reasonably free of shrinkage. Cement grout (neat cement) shall consist of either portland cement or quick setting cement mixed with not more than six gallons of water per sack of cement. Up to 5% bentonite clay, by weight, may be added to improve flow qualities and compensate for shrinkage. Pelletized bentonite may be used in all wells sealed to a depth not to exceed the 18' minimum standard. [Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-100, filed 1/10/79; Order 73-6, § 173-160-100, filed 4/30/73.]

WAC 173-160-200 Upper terminal of well. The water-tight casing or curbing of any well shall extend not less than 6 inches above the established ground surface. In the case of public water supplies where the site is not subject to flooding, the pumphouse floor must be at least 1 foot above land surface, with a minimum of 6 inches of casing projecting above the floor; where the site is subject to flooding, the pumphouse floor must be at least 2 feet above the estimated water level of a 100-year frequency flood. Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by water-tight piping to a point not less than 1 foot above the pumphouse floor or cover installed above ground surface. The terminals of these facilities shall be shielded or sealed so as to prevent entrance of foreign matter or pollutants. A subsurface connection is

permitted on domestic wells if made with approved fittings or welding procedures approved by the department, provided that the connection *must be above static water level*, and the pump location must not be subject to flooding.



NOT TO SCALE

A - Well constructed without surface casing.
 B - Well constructed with surface casing

Figure 3. SEALING OF GRAVEL-PACKED WELLS

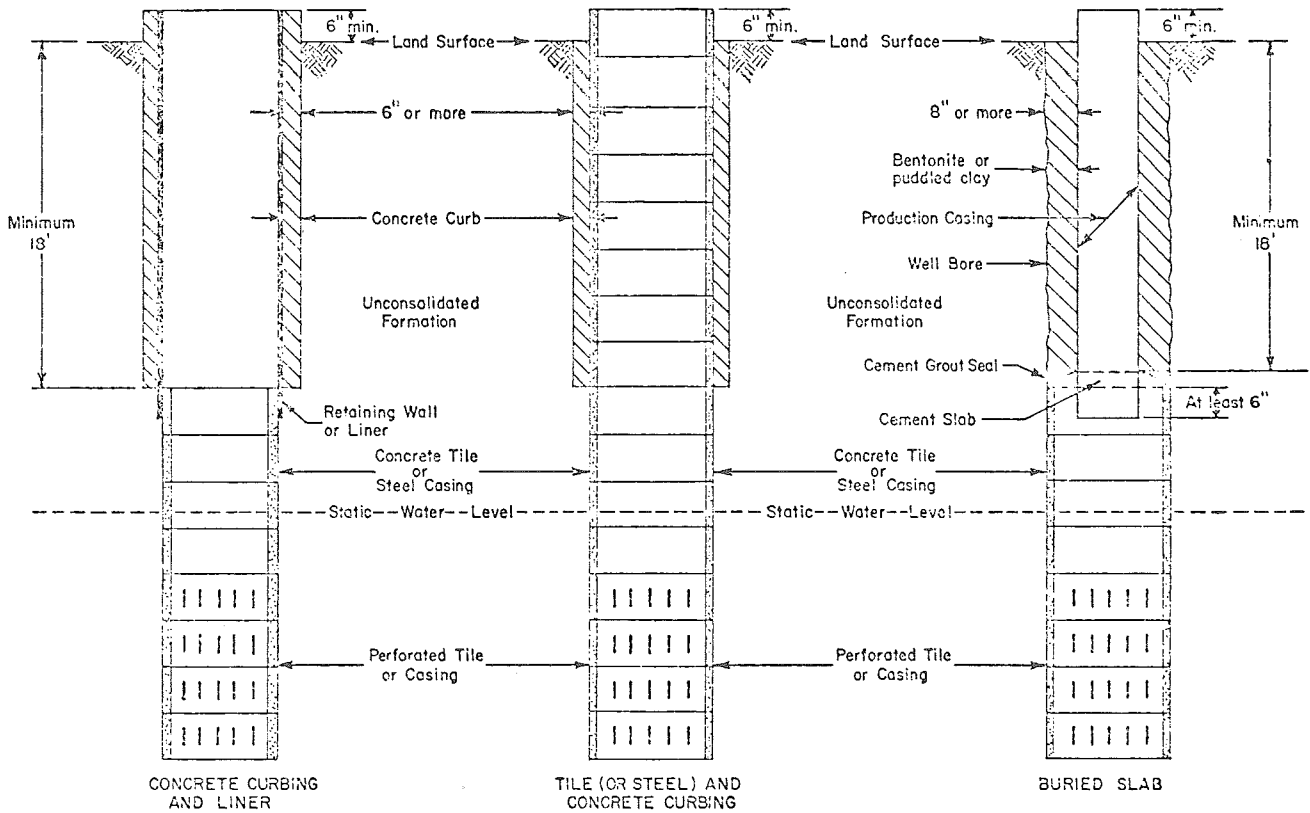
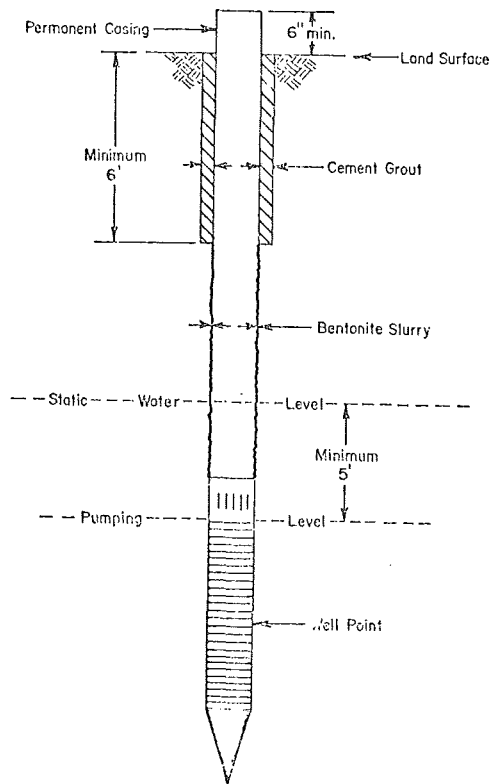


Figure 4. SEALING OF DUG WELLS



NOT TO SCALE

Figure 5. SEALING OF DRIVEN AND JETTED WELLS

[Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-200, filed 1/10/79; Order 73-6, § 173-160-200, filed 4/30/73.]

WAC 173-160-290 Abandonment or destruction of wells. All wells including those which are not developed to provide a supply of water and are subsequently abandoned, shall be abandoned in the manner consistent with the meaning and intent of these regulations. The abandonment procedure of a well must be recorded and reported as required by the department. [Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-290, filed 1/10/79; Order 73-6, § 173-160-290, filed 4/30/73.]

Chapter 173-164 WAC WATER RATE CHARGES

WAC

173-164-010	Purpose.
173-164-020	Authority.
173-164-030	Definitions.
173-164-040	Rates of charge.
173-164-050	Determination of rate.
173-164-060	Payment schedule.

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173-164-070 Measurement of water.

WAC 173-164-010 Purpose. The purpose of this chapter is to implement the provisions of section 10 (1), chapter 1, laws of 1977, first extraordinary session. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-010, filed 7/13/78.]

WAC 173-164-020 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter 1, laws of 1977, first extraordinary session, after giving notice as provided in chapter 34.04 RCW. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-020, filed 7/13/78.]

WAC 173-164-030 Definitions. (1) "Department" shall mean the department of ecology.

(2) "Purchaser" shall mean any person, public or municipal corporation or other governmental bodies buying water from the department.

(3) "Director" shall mean the director of the department of ecology. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-030, filed 7/13/78.]

WAC 173-164-040 Rates of charge. The purchaser shall pay the department for all waters delivered from such facilities as constructed by the department pursuant to chapter 1, laws of 1977, first extraordinary session, at a rate per acre-foot as determined by the director. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-040, filed 7/13/78.]

WAC 173-164-050 Determination of rate. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.]

WAC 173-164-060 Payment schedule. (1) The department shall enter into contracts not to exceed twenty-five years with any public or municipal corporation or other governmental body having authority to distribute water for payment for the amount of water received.

(2) Full payment for the amount of water purchased by any other purchaser of water not having the authority to distribute water shall be made to the department monthly prior to delivery of water to the purchaser based on the estimated water to be purchased during the month. Adjustment will be made at the end of each month to account for the difference between the estimated and actual delivery. The adjustment will be made when the estimated payment is made for the following month. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-060, filed 7/13/78.]

WAC 173-164-070 Measurement of water. The amount of water purchased shall be measured at the

well site with a measuring device provided by the department. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-070, filed 7/13/78.]

Chapter 173-166 WAC

EMERGENCY WATER WITHDRAWAL FACILITIES

WAC

173-166-010	Purpose.
173-166-020	Authority.
173-166-030	Definitions.
173-166-040	Grant and loan fund conditions.
173-166-050	Loan and grant formula.
173-166-060	Loans.

WAC 173-166-010 Purpose. The purpose of this chapter is to implement that specific appropriation General Fund-State Emergency Water Projects Revolving Account as provided in section 75, chapter 339, Laws of 1977 extraordinary session, relating to implementation of chapter 1, Laws of 1977 extraordinary session. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-010, filed 3/10/78.]

WAC 173-166-020 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter 1, Laws of 1977 extraordinary session, chapter 339, Laws of 1977 extraordinary session, and after giving notice as provided in chapter 34.04 RCW. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-020, filed 3/10/78.]

WAC 173-166-030 Definitions. (1) "Department" shall mean the department of ecology.

(2) "User" shall mean any public body which operates, maintains and manages agricultural water supply facilities to divert, carry and distribute water to moisture deficient land used for the production of commercial crops. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-030, filed 3/10/78.]

WAC 173-166-040 Grant and loan fund conditions.

(1) The director may make loans or combination loans and grants for the following types of projects:

(a) Water withdrawal facilities to divert water from any source approved under provisions of chapter 1, Laws of 1977 extraordinary session, to provide supplemental water to lands previously irrigated for projects which include one or more of the following facilities:

- (i) Diversion Structures
- (ii) Pumps and motors and accessories
- (iii) Penstocks and discharge lines
- (iv) Canals
- (v) Pipelines
- (vi) Wells

(b) Water conservation facilities to provide water which would not otherwise be available to the lands previously irrigated for projects which include the following work:

- (i) Repair

- (ii) Rehabilitation
- (iii) Improvement
- (iv) Replacement
- (v) Control structures

(2) Criteria. The director may make loans or combination loans and grants to an eligible user, for projects generally meeting the following criteria:

(a) Wherever possible, considering cost/effectiveness, the least costly alternative, including conservation measures, to supply adequate water supplies.

(b) The project will produce measurable water supply benefits in relation to the total needs arising from drought conditions.

(c) Projects having long-term drought-relief benefits.

(d) The project selected will minimize impacts on the environment.

(e) Alternate sources, including conservation through improvements to existing withdrawal facilities, will be favored over increasing withdrawal of water supplies impacted by drought conditions.

(f) The project will provide water to previously irrigated lands.

(g) The project will not reduce flows or levels below essential minimums as necessary (i) to assure the maintenance of fisheries requirements, and (ii) to protect federal and state interests including, among others, power generation, navigation, and existing water rights. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-040, filed 3/10/78.]

WAC 173-166-050 Loan and grant formula. The director may make loans and grants, according to the following formula:

(1) The department may advance funds from these emergency appropriations to make loans or combinations of loans and grants to a user. The grant portion of a combination loan and grant to a user for any project shall not exceed fifteen percent of the total amount received under the drought program by such project.

(2) Loan and grants shall be based upon the user's repayment capabilities.

(3) The grant shall be contingent upon the user accepting the loan. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-050, filed 3/10/78.]

WAC 173-166-060 Loans. Loans for rehabilitation may be provided by the director, whenever a combination fifteen percent grant and eighty-five percent loan is made. [Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-060, filed 3/10/78.]

Chapter 173-201 WAC

WATER QUALITY STANDARDS FOR WATERS OF THE STATE OF WASHINGTON

WAC

173-201-010	Purpose.
173-201-020	Water use and quality criteria.
173-201-025	Definitions.
173-201-030	Repealed.

173-201-035	General considerations.
173-201-040	Repealed.
173-201-045	General water use and criteria classes.
173-201-050	Characteristic uses to be protected.
173-201-060	Repealed.
173-201-070	General classifications.
173-201-080	Specific classifications—Freshwater.
173-201-085	Specific classifications—Marine water.
173-201-090	Achievement considerations.
173-201-100	Implementation.
173-201-110	Surveillance.
173-201-120	Enforcement.
173-201-130	Repealed.
173-201-140	Miscellaneous.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-201-030	Water use and quality criteria—General water use and criteria classes. [Order 73-4, § 173-201-030, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
173-201-040	Water use and quality criteria—General considerations. [Order 73-4, § 173-201-040, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
173-201-060	Water course classification. [Order 73-4, § 173-201-060, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
173-201-130	Definitions. [Order 73-4, § 173-201-130, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.

WAC 173-201-010 Purpose. The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-010, filed 1/17/78; Order 73-4, § 173-201-010, filed 7/6/73.]

WAC 173-201-020 Water use and quality criteria. The water use and quality criteria set forth in WAC 173-201-035 through 173-201-050 are established in conformance with present and potential water uses of said surface waters and in consideration of the natural water quality potential and limitations of the same. Nonetheless, the dynamic nature of the process is also recognized. Hence, frequent review of these uses and criteria is anticipated; and revisions will be undertaken as additional information is developed. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-020, filed 1/17/78; Order 73-4, § 173-201-020, filed 7/6/73.]

WAC 173-201-025 Definitions. (1) **Background Conditions:** The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) **Fecal Coliform:** That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 degrees plus or minus 0.2 degrees C.

(3) **Mean Detention Time:** The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

(4) **Median Value:** That value of a group of measurements that falls in the middle when the measurements are arranged in order of magnitude. If the number of measurements is even, the median value would be the value half-way between the two middle measurements.

(5) **Permit:** A document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

(6) **pH:** The negative logarithm of the hydrogen ion concentration.

(7) **Surface Waters of the State:** Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

(8) **Temperature:** Temperature expressed in degrees Celsius.

(9) **Turbidity:** The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(10) **Upwelling:** Upwelling is a direct result of wind stress on the sea surface. As winds blow parallel to a coast, the net flow of water is at an angle of about 45° toward the sea. This flow causes cold bottom water to move upward to replace the warmer surface water moving offshore. The cold water is rich in dissolved nutrients and has a low dissolved oxygen content. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-025, filed 1/17/78.]

WAC 173-201-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-035 General considerations. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201-020 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a waste-water discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates receiving water standards.

(b) Permits shall be subject to modification by the department of ecology whenever it appears to the department the discharge violates receiving water standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint Sources and Water Quality Standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the receiving water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest Practices Rules and Regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department of ecology whenever it appears to the department that the discharge violates receiving water standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) It shall be the intent of this policy that existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge,

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria established in WAC 173-201-045 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) It shall be the policy of the state of Washington that no waste discharge permit be issued which will violate established water quality criteria for the said waters, except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by EPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the Environmental Protection Agency.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) The United States Environmental Protection Agency Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other non-radioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by EPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976). [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-035, filed 1/17/78.]

WAC 173-201-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-045 General water use and criteria classes. The following criteria shall apply to the various classes of surface waters in the state of Washington:

(1) CLASS AA (EXTRAORDINARY).

(a) General Characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) Wildlife habitat, stock watering.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).
- (iv) General marine recreation and navigation.
- (v) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a median value of 50 organisms/100 ml, with not more than 10 percent of samples exceeding 100 organisms/100 ml.

(B) Marine water – Fecal coliform organisms shall not exceed a median value of 14 organisms/100 ml, with not more than 10 percent of samples exceeding 43 organisms/100 ml.

(ii) Dissolved oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 9.5 mg/l.

(B) Marine water – Dissolved oxygen shall exceed 7.0 mg/l except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 16.0° Celsius (freshwater) or 13.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water).

When natural conditions exceed 16.0° Celsius (freshwater) and 13.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 16.3° Celsius (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(2) CLASS A (EXCELLENT).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) Wildlife habitat, stock watering.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).
- (iv) Commerce and navigation.
- (v) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a median value of 100 organisms/100 ml, with not more than 10 percent of samples exceeding 200 organisms/100 ml.

(B) Marine water – Fecal coliform organisms shall not exceed a median value of 14 organisms/100 ml, with not more than 10 percent of samples exceeding 43 organisms/100 ml.

(ii) Dissolved Oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 8.0 mg/l.

(B) Marine water – Dissolved oxygen shall exceed 6.0 mg/l, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 18.0° Celsius (freshwater) or 16.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water).

When natural conditions exceed 18.0° Celsius (freshwater) and 16.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 18.3° Celsius (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) CLASS B (GOOD).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

(i) Industrial and agricultural water supply.

(ii) Fishery and wildlife habitat.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating).

(iv) Stock watering.

(v) Commerce and navigation.

(vi) Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a median value of 200 organisms/100 ml, with not more than 10 percent of samples exceeding 400 organisms/100 ml.

(B) Marine water – Fecal coliform organisms shall not exceed a median value of 100 organisms/100 ml., with not more than 10 percent of samples exceeding 200 organisms/100 ml.

(ii) Dissolved Oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 6.5 mg/l or 70 percent saturation whichever is greater.

(B) Marine water – Dissolved oxygen shall exceed 5.0 mg/l or 70 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 21.0° Celsius (freshwater) or 19.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/T$ (marine water).

When natural conditions exceed 21.0° Celsius (freshwater) and 19.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 21.3° Celsius (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) CLASS C (FAIR).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Cooling water.
- (ii) Commerce and navigation.
- (iii) Fish passage.
- (iv) Boating.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms: (Marine water) shall not exceed a median value of 200 organisms/100 ml, with not more than 10 percent of samples exceeding 400 organisms/100 ml.

(ii) Dissolved Oxygen.

Marine water - Dissolved oxygen shall exceed 4.0 mg/l or 50 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas - the concentration of total dissolved gas shall not exceed 110 percent saturation at any point of sample collection.

(iv) Temperature - water temperatures shall not exceed 24.0° Celsius (freshwater) or 22.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=39/(T+11)$ (freshwater) or $t=20/(T+2)$ (marine water).

When natural conditions exceed 24.0° Celsius (freshwater) and 22.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

(v) pH shall be within the range of 6.5 to 9.0 (freshwater) or 6.5 to 9.0 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) LAKE CLASS.

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses for waters of this class shall include, but are not limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) Wildlife habitat, stock watering.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).
- (iv) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms. (Lakes and impoundments) shall not exceed a median value of 50 organisms/100 ml, with not more than 10 percent of samples exceeding 100 organisms/100 ml.

(ii) Dissolved oxygen - no measurable decrease from natural conditions.

(iii) Total dissolved gas - the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature - no measurable change from natural conditions.

(v) pH - no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-045, filed 1/17/78.]

WAC 173-201-050 Characteristic uses to be protected. The following is a noninclusive list of uses to be protected by the various classifications for fresh and marine surface waters:

USES F=Freshwater M=Marine water	WATERCOURSE CLASSIFICATION				
	LAKE	AA	A	B	C
FISHERIES					
Salmonid					
Migration	F	F M	F M	F M	F M
Rearing	F	F M	F M	F M	
Spawning	F	F	F		
Warm Water Game Fish					
Rearing	F	F	F	F	
Spawning	F	F	F	F	
Other Food Fish	F	F M	F M	F M	
Commercial Fishing	F	F M	F M	F M	
Shellfish	F	M	M	M	
WILDLIFE	F	F M	F M	F M	
RECREATION					
Water Contact	F	F M	F M		
Boating and Fishing	F	F M	F M	F M	F M
Environmental Aesthetics	F	F M	F M	F M	F M
WATER SUPPLY					
Domestic	F	F	F		
Industrial	F	F M	F M	F M	F M
Agricultural	F	F	F	F	F

USES F=Freshwater M=Marine water	WATERCOURSE CLASSIFICATION				
	LAKE	AA	A	B	C
NAVIGATION	F	F M	F M	F M	F M
LOG STORAGE & RAFTING	F	F M	F M	F M	F M
HYDRO-POWER	F	F	F	F	F

[Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-050, filed 1/17/78; Order 73-4, § 173-201-050, filed 7/6/73.]

WAC 173-201-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-070 General classifications. General classifications applying to various surface water bodies not specifically classified under WAC 173-201-080 or 173-201-085 are as follows:

(1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are hereby designated Class AA or Lake Class.

(2) All lakes and their feeder streams within the state are hereby designated Lake Class and Class AA respectively, except for those feeder streams specifically designated otherwise.

(3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as Lake Class.

(6) All undesignated surface waters that are tributaries to Class AA waters are designated Class AA. All other undesignated surface waters within the state are hereby designated Class A. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-070, filed 1/17/78; Order 73-4, § 173-201-070, filed 7/6/73.]

WAC 173-201-080 Specific classifications--Freshwater. Specific fresh surface waters of the state of Washington are classified as follows:

- (1) American River from confluence with Bumping River to headwaters. Class AA
- (2) Baker River. Class AA
- (3) Big Quilcene River and tributaries. Class AA
- (4) Bumping River from confluence with Naches River to headwaters. Class AA
- (5) Burnt Bridge Creek. Class A
- (6) Cascade River. Class AA
- (7) Cedar River from Lake Washington to Landsburg Dam. Class A
- (8) Cedar River from Landsburg Dam to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (9) Chehalis River from Scammon Creek to Newaukum River. Special condition -

dissolved oxygen shall exceed 5.0 mg/l or 50 percent saturation, whichever is greater, from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria.

Class A

(10) Chehalis River from Newaukum River to Rock Creek.

Class A

(11) Chehalis River, from Rock Creek to headwaters.

Class AA

(12) Chehalis River, south fork, from mouth to headwaters.

Class A

(13) Chewack River from confluence with Methow River to headwaters.

Class AA

(14) Chiwawa River from confluence with Wenatchee River to headwaters.

Class AA

(15) Cispus River.

Class AA

(16) Clearwater River.

Class A

(17) Cle Elum River from confluence with Yakima River to Cle Elum Lake.

Class AA

(18) Cle Elum River from Cle Elum Lake to headwaters.

Class AA

(19) Cloquallum River from mouth to headwaters.

Class A

(20) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.

Class A

(21) Columbia River from mouth to the Washington-Oregon border (river mile 309). Special conditions - water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed 0.3° Celsius due to any single source or 1.1° Celsius due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation.

Class A

(22) Columbia River from Washington-Oregon border (river mile 309) to Grand Coulee Dam (river mile 595). Special condition from Washington-Oregon border (river mile 309) to Priest Rapids Dam (river mile 397). Temperature - water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.

Class A

(23) Columbia River from Grand Coulee Dam (river mile 595) to Canadian border (river mile 742).

Class AA

(24) Colville River.

Class A

(25) Coweeman River from mouth to Mulholland Creek.

Class A

(26) Coweeman River from Mulholland Creek to headwaters.

Class AA

(27) Crab Creek and tributary streams from confluence with Columbia River to headwaters.	Class B	(48) Hoquiam River from mouth to river mile 9.	Class B
(28) Decker Creek from mouth to headwaters.	Class AA	(49) Issaquah Creek from mouth to headwaters.	Class A
(29) Deschutes River from mouth to headwaters.	Class A	(50) Kalama River from lower Kalama River Falls to headwaters.	Class AA
(30) Dickey River.	Class A	(51) Klickitat River from Little Klickitat River to headwaters.	Class AA
(31) Dosewallips River and tributaries.	Class AA	(52) Lake Washington Ship Canal from Lake Washington to Government Locks. Special condition – salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge.	Lake Class
(32) Duckabush River and tributaries.	Class AA	(53) Lewis River, east fork, from Multon Falls to headwaters.	Class AA
(33) Dungeness River from mouth to Canyon Creek.	Class A	(54) Little Wenatchee River from Lake Wenatchee to headwaters.	Class AA
(34) Dungeness River and tributaries from Canyon Creek to headwaters.	Class AA	(55) Methow River from its confluence with the Chewack River to headwaters.	Class AA
(35) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the confluence with the Black River (Tukwila).	Class B	(56) Methow River from mouth to the confluence of the Chewack River.	Class A
(36) Duwamish River upstream from the confluence with the Black River to the limit of tidal influence.	Class A	(57) Mill Creek from confluence with Walla Walla River to 13th street bridge in Walla Walla. Special condition – dissolved oxygen concentration shall exceed 5.0 mg/l or 50 percent saturation whichever is greater.	Class B
(37) Elwha River and tributaries.	Class AA	(58) Mill creek from city of Walla Walla waterworks dam to headwaters. Special condition – no waste discharge will be permitted.	Class AA
(38) Entiat River from Wenatchee National Forest boundary to headwaters.	Class AA	(59) Naches River from Snoqualmie National Forest boundary to headwaters.	Class AA
(39) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition – temperature – water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A	(60) Naselle River from Naselle Falls to headwaters.	Class AA
(40) Grays River from Grays River Falls to headwaters.	Class AA	(61) Newaukum River from mouth to headwaters.	Class A
(41) Green River (Cowlitz County) from mouth to headwaters.	Class AA	(62) Nisqually River from Alder Dam to headwaters.	Class AA
(42) Green River (King County) from intersection of the river with west boundary of Sec. 27, T.21N. R.6E., to intersection of the river with west boundary of Sec. 13, T.21N., R.7E.	Class AA	(63) Nooksack River from mouth to river mile 4 (just below Ferndale).	Class A
(43) Green River (King County) from intersection of the river with west boundary of Sec. 13, T.21N., R.7E., to headwaters. Special condition – no waste discharge will be permitted.	Class AA	(64) Nooksack River from confluence with Maple Creek to headwaters.	Class AA
(44) Hama Hama River and tributaries.	Class AA	(65) Nooksack River, south fork, from Skookum Creek to headwaters.	Class AA
(45) Hanaford Creek from mouth to east boundary line of Sec. 25, T.15N., R.2W. Special condition – dissolved oxygen shall exceed 6.5 mg/l or 70 percent saturation whichever is greater.	Class A	(66) Nooksack River, middle fork.	Class AA
(46) Hanaford Creek from east boundary line of Sec. 25, T.15N., R.2W., to headwaters.	Class A	(67) Okanogan River.	Class A
(47) Hoh River and tributaries from mouth to headwaters.	Class AA	(68) Palouse River from mouth to Colfax (river mile 88, confluence with south fork).	Class B
		(69) Palouse River from Colfax (river mile 88, confluence with south fork) to Idaho border (river mile 110). Special condition – Temperature – water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A

(70) Pend Oreille River from Canadian border (river mile 17) to Idaho border (river mile 86). Special condition – Temperature – water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A	allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed 0.3° Celsius due to any single source or 1.1° Celsius due to all such activities combined.	Class A
(71) Pilchuck River from city of Snohomish waterworks dam to headwaters.	Class AA	(89) Snohomish River from mouth and east of longitude 122°13'40"W. upstream to latitude 47°56'30"N. (southern tip of Ebey Island). Special condition: Fecal coliform organisms shall not exceed a median value of 200, organisms/100 ml. with not more than 10 percent of samples exceeding 400 organisms/100 ml.	Class A
(72) Puyallup River from mouth to river mile 1 (from mouth).	Class B	(90) Snohomish River upstream from latitude 47°56'30"N. (southern tip of Ebey Island) to limit of tidal influence.	Class A
(73) Puyallup River from Kings Creek to headwaters.	Class AA	(91) Snoqualmie River, middle fork, from mouth to headwaters.	Class AA
(74) Queets River from mouth to river mile 3.0.	Class AA	(92) Snoqualmie River, north fork, from mouth to headwaters.	Class AA
(75) Queets River and tributaries from river mile 3 to headwaters.	Class AA	(93) Snoqualmie River, south fork, from west boundary of Twin Falls State Park to headwaters.	Class AA
(76) Quillayute River.	Class AA	(94) Soleduck River and tributaries.	Class AA
(77) Quinault River from mouth to river mile 2.	Class AA	(95) Spokane River from mouth to Idaho border (river mile 91). Special condition – Temperature – water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A
(78) Quinault River and tributaries from river mile 2 to headwaters.	Class AA	(96) Stillaguamish River from mouth to river mile 7 (at Norman).	Class A
(79) Satsop River, east fork, from mouth to headwaters.	Class AA	(97) Stillaguamish River, north fork, from mouth to Squire Creek.	Class A
(80) Satsop River, middle fork, from mouth to headwaters.	Class AA	(98) Stillaguamish River, north fork, from Squire Creek to headwaters.	Class AA
(81) Satsop River, west fork, from mouth to headwaters.	Class AA	(99) Stillaguamish River, south fork, from Canyon Creek to the headwaters.	Class AA
(82) Sauk River.	Class AA	(100) Stehekin River from Lake Chelan to headwaters.	Class AA
(83) Skagit River from mouth to Burlington (river mile 17, Nookachamps Creek).	Class A	(101) Suiattle River.	Class AA
(84) Skagit River from Skiyou Slough, (river mile 26) to Canadian border (river mile 91).	Class AA	(102) Sulphur Creek.	Class B
(85) Skokomish River and tributaries.	Class AA	(103) Sultan River from mouth to Chaplain Creek.	Class A
(86) Skookumchuck River from Bloody Run Creek to headwaters.	Class AA	(104) Sultan River from Chaplain Creek to headwaters. Special condition – no waste discharge will be permitted.	Class AA
(87) Skykomish River from May Creek to headwaters.	Class AA	(105) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).	Class A
(88) Snake River from mouth to Washington–Idaho–Oregon border. Special condition – Temperature		(106) Tieton River from confluence with Naches River to headwaters.	Class AA
(a) Below confluence with Clearwater River. Water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.		(107) Tolt River from mouth to intersection of the river with west boundary of Sec. 31, T26N., R.9E.	Class AA
(b) Above confluence with Clearwater River. Water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be		(108) Tolt River from intersection of the river with west boundary of Sec. 31, T.26N.,	

R.9E. to headwaters. Special condition – no waste discharge will be permitted. Class AA

(109) Touchet River from Dayton water intake structure to headwaters. Class AA

(110) Toutle River, north fork, from Green River to headwaters. Class AA

(111) Toutle River, south fork, from mouth to headwaters. Class AA

(112) Tucannon River from Umatilla National Forest boundary to headwaters. Class AA

(113) Twisp River from confluence with Methow River to headwaters. Class AA

(114) Union River from Bremerton waterworks dam to headwaters. Special condition – no waste discharge will be permitted. Class AA

(115) Walla Walla River from mouth to Lowden (river mile 15). Class B

(116) Walla Walla River from Lowden (river mile 15) to Oregon border (river mile 40). Special condition – Temperature – water temperatures shall not exceed 20.0° Celsius due to human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(117) Wenatchee River from Wenatchee National Forest boundary to headwaters. Class AA

(118) White River (Pierce–King Counties) from Mud Mountain Dam to headwaters. Class AA

(119) White River (Chelan County) from Lake Wenatchee to headwaters. Class AA

(120) Willapa River upstream of a line bearing 70° true through Mailboat Slough light. Class A

(121) Wishkah River from mouth to river mile 6. Class B

(122) Wishkah River from west fork of Wishkah River to intersection of the river with south boundary of Sec. 33, T.21N., R.8W. Class AA

(123) Wishkah River from intersection of the river with south boundary of Sec. 33, T.21N., R.8W. to headwaters. Special condition – no waste discharge will be permitted. Class AA

(124) Yakima River from confluence with Columbia River to Sunnyside Dam. Class B

(125) Yakima River from Sunnyside Dam to river mile 185.6 (just below the confluence of the Cle Elum River). Special condition – Temperature – water temperatures shall not exceed 21.0° Celsius due to human activities. When natural conditions exceed 21.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(126) Yakima River from river mile 185.6 (immediately upstream from the Cle Elum River) to headwaters. Class AA

[Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-080, filed 1/17/78; Order DE 73-22, § 173-201-080, filed 11/16/73; Order 73-4, § 173-201-080, filed 7/6/73.]

WAC 173-201-085 Specific classifications--Marine water. Specific marine surface waters of the state of Washington are classified as follows:

- (1) Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2), except as otherwise noted. Class B
- (2) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the east boat basin jetty. Class B
- (3) Budd Inlet south of latitude 47°04'N. (south of Priest Point Park). Class B
- (4) Coastal waters Pacific Ocean from Ilwaco to Cape Flattery. Class AA
- (5) Commencement Bay from south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light. Class A
- (6) Commencement Bay, inner, from south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street. Class B
- (7) Commencement Bay, city waterway south and east of south 11th Street. Class C
- (8) Drayton Harbor, south of entrance. Class A
- (9) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A
- (10) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A
- (11) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing

- (12) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B
- (13) Grays Harbor west of longitude 123°59'W. Class A
- (14) Grays Harbor east of longitude 123°59'W. to longitude 123°45'45"W. (Cosmopolis). Special condition - dissolved oxygen - shall exceed 5.0 mg/l or 60 percent saturation, whichever is greater. Class B
- (15) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W. and north of latitude 48°27'20"N., except as otherwise noted. Class A
- (16) Hood Canal. Class AA
- (17) Mukilteo and all North Puget Sound West of longitude 122°39' W. (Whidbey, Fidalgo, Guemes and Lummi Island), except as otherwise noted. Class AA
- (18) Oakland Bay west of longitude 123°05'W. (inner Shelton harbor). Class B
- (19) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. Class A
- (20) Port Gamble south of latitude 47°51'20"N. Class A
- (21) Port Townsend west of a line between Point Hudson and Kala point. Class A
- (22) Possession Sound, south of latitude 47°57'N. Class AA
- (23) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and longitude 122°38'35"W. (bridge) between latitude 47°57'N. (Mukilteo) and latitude 48°27'20"N. (Similk Bay), except as otherwise noted. Class A
- (24) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W. (Brisco

- Point) and longitude 122°51'W. (northern tip of Hartstene Island).
- (25) Sequim Bay southward of entrance. Class AA
- (26) South Puget Sound west of longitude 122°52'30"W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island, except as otherwise noted). Class A
- (27) Strait of Juan de Fuca. Class AA
- (28) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light. Class A

[Statutory Authority: RCW 90-48-035. 78-02-043 (Order DE 77-32), § 173-201-085, filed 1/17/78.]

WAC 173-201-090 Achievement considerations. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department of ecology to apply the various implementation and enforcement authorities at its disposal, including the development and implementation of the continuing planning process required by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500) and applicable federal regulations thereunder. It is also the intent that cognizance will be taken of the need for information as contemplated under section 304, 208, 209, and other sections of the federal act, with emphasis on silviculture and agriculture, and for participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The Washington department of ecology's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act and regulations. Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law. [Statutory Authority: RCW 90-48-035. 78-02-043 (Order DE 77-32), § 173-201-090, filed 1/17/78; Order 73-4, § 173-201-090, filed 7/6/73.]

WAC 173-201-100 Implementation. (1) **Discharges from municipal, commercial, and industrial operations.** The primary means to be used for controlling municipal, commercial, and industrial waste discharges shall be through the issuance of waste disposal permits, as provided for in RCW 90.48.160 and following.

(2) **Miscellaneous Waste Discharge or Water Quality Effect Sources.** The director shall, through the issuance of regulatory permits, directives, and orders, as are appropriate, control miscellaneous waste discharges and water quality effect sources not covered by WAC 173-201-100(1) hereof. It is noted that, from time to time, certain short-term activities which are deemed necessary

to accommodate essential activities or to otherwise protect the public interest may be specially authorized by the director as indicated in WAC 173-201-035(8)(e), under such conditions as the director may prescribe, even though such activities may result in a reduction of water quality conditions below those criteria and classifications established by this regulation. [Statutory Authority: RCW 90-48-035, 78-02-043 (Order DE 77-32), § 173-201-100, filed 1/17/78; Order 73-4, § 173-201-100, filed 7/6/73.]

WAC 173-201-110 Surveillance. A continuing surveillance program, to ascertain whether the regulations, waste disposal permits, orders, and directives promulgated and/or issued by the department are being complied with, will be conducted by the department staff as follows:

- (1) Inspecting treatment and control facilities.
- (2) Monitoring and reporting waste discharge characteristics.
- (3) Monitoring receiving water quality. [Statutory Authority: RCW 90.48.035, 78-02-043 (Order DE 77-32), § 173-201-110, filed 1/17/78; Order 73-4, § 173-201-110, filed 7/6/73.]

WAC 173-201-120 Enforcement. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director of the department may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within thirty days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240. [Statutory Authority: RCW 90.48.035, 78-02-043 (Order DE 77-32), § 173-201-120, filed 1/17/78; Order 73-4, § 173-201-120, filed 7/6/73.]

WAC 173-201-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-140 Miscellaneous. (1) The water quality criteria adopted in this chapter shall be the sole criteria for the various surface waters in the state of Washington.

(2) The criteria, classifications, and achievement considerations established by this chapter shall be reviewed from time to time by the department to insure that the quality of the waters of the state may be enhanced wherever possible through appropriate modifications of this chapter.

(3) These rules contemplate and it is the specific intent of the department of ecology to continue to evaluate the watercourse classifications under WAC 173-201-070 through 173-201-085 hereof, with special emphasis placed on those waters constituting reaches of streams in nonurban areas, and, if deemed appropriate, initiate rule-making proceedings as to any needed changes in classification. Additionally, the department shall, in light of concerns expressed both for high water quality and for the carrying on of activities on land which have an effect on certain water reaches, continue with expedition to examine all waters of the state, the needs for the protection of the same and related concerns, and if, after such evaluation, it appears appropriate, initiate rule-making procedures to modify this chapter.

The department of ecology has the obligation to review the state water quality standards at least once each three year period. [Statutory Authority: RCW 90.48-.035, 78-02-043 (Order DE 77-32), § 173-201-140, filed 1/17/78; Order 73-4, § 173-201-140, filed 7/6/73.]

Chapter 173-230 WAC

CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT PLANTS

WAC

173-230-010	General.
173-230-020	Definitions.
173-230-030	Duties of the board.
173-230-040	Certification required.
173-230-050	Certification prerequisites.
173-230-090	Fees.
173-230-100	Suspension and revocation.
173-230-140	Classification of wastewater treatment plants.

WAC 173-230-010 General. One of the basic requirements of the wastewater treatment plant operator certification act of 1973 (chapter 139, Laws of 1973) is

to have every operator in responsible charge of a wastewater treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications. [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) "Director" means the director of the department of ecology.

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

(3) "Board" means the wastewater operators certification board of examiners established by chapter 139, Laws of 1973.

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Wastewater Treatment Plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or state of Washington who is designated by the employing or appointing officials as the person on site and in responsible charge of the actual operation of a wastewater treatment plant. [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 Duties of the board. (1) Recommend to the director classification of wastewater treatment plants and maintain records thereof.

(2) Develop operator qualification standards consistent with the wastewater treatment plant classification system and examine the qualifications of applicants for certification.

(3) Assist in the development of rules and regulations; prepare, administer and evaluate examinations of operator competency as required by law, and recommend the issuance or revocation of certificates.

(4) Encourage to become certified operating personnel other than those who are required to be certified by the virtue of their responsibility as operator in charge.

(5) Maintain records of operator qualifications, certifications, and a register of certified operators. [Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-030, filed 10/11/78; Order 73-30, § 173-230-030, filed 11/9/73.]

WAC 173-230-040 Certification required. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator in responsible charge of day-to-day operation of the plant holds an effective certificate issued by the director.

(2) When a wastewater treatment plant is operated on more than one daily shift, the operator for each shift shall be certified. [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 Certification prerequisites. (1) Certificates shall be issued only upon application and only after payment of fees as required herein.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to operators who on July 1, 1973, held certificates of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to persons verified by the governing body or owner to have been operators of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. Certificate issued under this subsection shall be temporary in nature and nonrenewable. If a position is vacated by the holder of an effective temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

(3) Except as provided in (2) above, certificates in appropriate classifications shall be issued only after successful completion of an examination as provided for in WAC 173-230-070. [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.]

WAC 173-230-090 Fees. (1) Except for applications for certificates under WAC 173-230-050(2)(a), initial applications will be accepted for processing only when accompanied by an application fee of ten dollars.

(2) Except as provided under WAC 173-230-070(4), applications for reexamination will be accepted for processing only when accompanied by an application fee of ten dollars.

(3) Applications for certificate renewals will be accepted for processing only when accompanied by a renewal fee of five dollars.

(4) All receipts hereunder shall be paid into the state general fund. [Statutory Authority: RCW 70.95B.040.]

78-11-016 (Order DE 78-16), § 173-230-090, filed 10/11/78; Order 73-30, § 173-230-090, filed 11/9/73.]

Rating
Value

WAC 173-230-100 Suspension and revocation. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the certificate holder and the certificate shall be revoked ten days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

- (a) Fraud or deceit in obtaining the certificate.
- (b) Gross negligence in the operation of a 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 shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final. [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 173-230-140 Classification of wastewater treatment plants. Wastewater treatment plants are classified in four groups, according to the total point rating as derived from the items listed below. Assignment of treatment works to the proper classification group will be made by the director.

(1) PLANT CLASS:

- (a) Class I - 1 - 25 total points.
- (b) Class II - 26 - 50 total points.
- (c) Class III - 51 - 70 total points.
- (d) Class IV - 71 or more total points.

Rating
Value

(2) **DESIGN FLOW** 1 per 5 mgd, not to exceed 20 points
(Example: 1 to 5 mgd= 1 point; 5.1 to 10 mgd= 2 points, etc.)

(3) **POPULATION EQUIVALENT (P.E.)**..... 1 per 5,000 P.E., not to exceed 20 points

- (4) **PRE-TREATMENT UNITS**
 - (a) Manually cleaned screens 1
 - (b) Mechanically cleaned screens 2
 - (c) Grit removal 3
 - (d) Pre-aeration 1
 - (e) Comminutor, barminutors, grinders, etc. 1
 - (f) Plant pumping 3
- (5) **PRIMARY TREATMENT UNITS**
 - (a) Imhoff tanks, spirogesters, Clarigesters, etc. 3
 - (b) Primary clarifiers 5
 - (c) Primary clarifiers utilizing settling aid chemicals 9
- (6) **SECONDARY TREATMENT UNITS**
 - (a) Trickling filter (without recirculation) 5
 - (b) Trickling filter (with recirculation) 7
 - (c) Activated sludge
 - (i) Mechanical aeration 8
 - (ii) Diffused or dispersed air 10
 - (iii) Oxidation ditch 8
 - (iv) Pure oxygen 13
 - (d) Stabilization ponds 5
 - (e) Stabilization ponds with aeration 7
 - (f) Secondary clarifiers 5
- (7) **TERTIARY TREATMENT UNITS**
 - (a) Polishing pond 2
 - (b) Land disposal of effluent 5
 - (c) Chemical treatment for phosphorus removal 5
 - (d) Activated carbon beds (with carbon regeneration) 10
 - (e) Activated carbon beds (without carbon regeneration) 8
 - (f) Sand or mixed-media filters 4
 - (g) Other nutrient removal processes following secondary treatment 10
- (8) **DISINFECTION** 4
- (9) **SLUDGE TREATMENT**
 - (a) Sludge digesters (anaerobic) 4
 - (i) If heated, add 3
 - (ii) If mechanically or gas mixed, add 2
 - (b) Sludge digesters (aerobic) 6
 - (c) Drying beds or evaporation lagoons 2
 - (d) Thickener clarifier 5
 - (e) Vacuum filter 7
 - (f) Centrifuge 7
 - (g) Incinerator 10
 - (h) Utilizing digester gas for other than heating purposes 3

When a wastewater treatment plant handles a complex waste or a unique treatment process that is not reflected in the classification system, the director upon

recommendations of the board may establish a classification consistent with the intent of the above classification system. [Statutory Authority: RCW 40.95B.040. 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 173-240 WAC

SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES

WAC

- 173-240-010 Purpose and scope.
173-240-020 Definitions.

DOMESTIC WASTEWATER FACILITIES

- 173-240-030 Submission of plans and reports.
173-240-040 Review standards.
173-240-050 General sewer plan.
173-240-060 Engineering report.
173-240-070 Plans and specifications.
173-240-080 Operation and maintenance manual.
173-240-090 Certification of construction completion.
173-240-100 Requirement for certified operator.
173-240-105 Form—Certificate of construction of water pollution control facilities.

INDUSTRIAL WASTEWATER FACILITIES

- 173-240-110 Submission of plans and reports.
173-240-120 Review standards.
173-240-130 Engineering report.
173-240-140 Final plans.
173-240-150 Operation and maintenance manual.

DOMESTIC AND INDUSTRIAL WASTEWATER FACILITIES

- 173-240-160 Requirement for professional engineer.
173-240-170 Right of inspection.
173-240-180 Approval of construction changes.

WAC 173-240-010 Purpose and scope. The purpose of this chapter is to implement RCW 90.48.110. The department interprets "plans and specifications" as mentioned in RCW 90.48.110 as including "engineering reports," "final plans," "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review of proposed methods of operation and maintenance, which for certain facilities means that an operation and maintenance manual must be prepared and approved. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-010, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-020 Definitions. (1) "Approval" means written approval.

(2) "Department" means the Washington State Department of Ecology.

(3) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration, surface waters or industrial waste as may be present.

(4) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater.

In the case of subsurface sewage disposal, the term is restricted to mean:

(a) A septic tank system with either an ultimate design capacity exceeding fourteen thousand five hundred gallons per day, or designed to ultimately serve fifty or more living units; or

(b) A mechanical treatment system or lagoon with subsurface disposal and with either an ultimate design capacity exceeding three thousand five hundred gallons per day, or designed to ultimately serve ten or more living units.

Where the proposed system utilizing subsurface disposal has received a federal construction grant under the Federal Water Pollution Control Act as amended, such system is a "domestic wastewater facility" regardless of size.

(5) "Engineering report" means a document describing the results of a thorough engineering study of a particular domestic or industrial wastewater facility project. The report presents preliminary design alternatives and recommends one of them. It sets forth preliminary layouts, treatment techniques, costs, and operating considerations. It establishes the design and water quality criteria to be used in preparation of the plans and specifications. In the case of a domestic wastewater facility project, it describes the recommended financing method.

The facility plan described in federal regulation 40 CFR 35 is an "engineering report." This federal regulation describes the Environmental Protection Agency's municipal wastewater construction grants program.

The preliminary engineering report required for some industrial wastewater facilities is an "engineering report."

(6) "Final plans" means the final conceptual drawings and information submitted to the department for approval prior to construction or modification of industrial wastewater facilities. Final plans are preceded by an approved engineering report.

(7) "General sewer plan" means the:

(a) Sewerage general plan adopted by counties under chapter 36.94 RCW; or

(b) Comprehensive plan for a system of sewers adopted by sewer districts under chapter 56.08 RCW; or

(c) Plan for a system of sewerage adopted by cities under chapter 35.67 RCW; or

(d) Comprehensive plan for a system of sewers adopted by water districts under chapter 57.08 RCW; or

(e) Plan for sewer systems adopted by public utility districts under chapter RCW 54.16 and port districts under chapter 53.08 RCW.

(f) The "general sewer plan" is a comprehensive plan for a system of sewers adopted by a local government entity. The plan includes the items specified in each respective statute. It includes the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas. The plan also includes preliminary engineering in adequate detail to assure technical feasibility, provides for the method of distributing the cost and expense of the

sewer system, and indicates the financial feasibility of plan implementation.

(8) "Industrial wastewater" means the water or liquid carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated stormwater and also leachate from a sanitary landfill.

(9) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of industrial wastewater and from which discharge is to the waters of the state.

(10) "Owner" means the state, county, city, town, federal agency, corporation, firm, company, institution, person or persons, or any other entity owning a domestic or industrial wastewater facility.

(11) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of domestic wastewater facilities. Plans and specifications are preceded by an approved engineering report.

(12) "Sewer system" means a system of sewers and appurtenances for the collection, transportation, pumping, treatment and disposal of domestic wastewater. By definition a sewer system is a "domestic wastewater facility."

(13) "Subsurface sewage disposal" means the physical, chemical, or bacteriological treatment of domestic wastewater within the soil profile.

(14) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-020, filed 1/23/79. Formerly WAC 372-20-010.]

DOMESTIC WASTEWATER FACILITIES

WAC 173-240-030 Submission of plans and reports.

(1) Prior to the construction or modification of domestic wastewater facilities, engineering reports and plans and specifications for the project shall be submitted to and approved by the department, except as noted in WAC 173-240-030(4) and (5) below.

(2) All reports and plans and specifications shall be submitted by the owner or his authorized representative consistent with a compliance schedule issued by the department or at least thirty days prior to the time approval is desired. The department will generally review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner will be notified and informed of the reason for the delay.

(3) Construction or modification of domestic wastewater facilities shall conform to the following schedule of tasks unless otherwise modified by these regulations:

(a) Submission and approval of engineering report;

(b) Submission and approval of plans and specifications;

(c) Submission and approval of operation and maintenance manual; and

(d) Certification of completion of construction by the project engineer.

(4) If the local government entity has received department approval of a general sewer plan and standard design criteria, engineering reports and plans and specifications for sewer line extensions, including pump stations, need not be submitted for approval. In this case the entity need only provide a description of the project and written assurance that the extension is in conformance with the general sewer plan. However in the following situations specific department approval is necessary for sewer line extensions prior to construction:

(a) The proposed sewers, or pump stations involve installation of overflows or bypasses; or

(b) The proposed sewers, pump or lift stations discharge to an overloaded treatment, collection, or disposal facility.

(5) Concerning domestic wastewater facilities utilizing subsurface disposal; upon request of the owner, the department may waive the requirement for submission of both an engineering report and plans and specifications. Where the department grants such a waiver, the plans and specifications shall include the appropriate (as determined by the department) information required in an engineering report. [Statutory Authority: RCW 90.48-.110. 79-02-033 (Order DE 78-10), § 173-240-030, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-040 Review standards. (1) The department will review general sewer plans, engineering reports, and plans and specifications for domestic wastewater facilities to ensure that the documents and proposed facilities are consistent with these regulations and the appropriate sections of the state of Washington, "Criteria for Sewage Works Design." Additional references may include, but are not limited to, the following:

(a) Manuals of Practice, Water Pollution Control Federation.

(b) Manuals of Engineering Practice, American Society of Civil Engineering.

(c) Standard Specifications for Municipal Public Works Construction, American Public Works Association.

(d) Considerations for Preparation of Operation and Maintenance Manuals, United States Environmental Protection Agency.

(e) Process Design Manuals, United States Environmental Protection Agency.

(f) Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability, United States Environmental Protection Agency.

(g) Manual of Septic Tank Practice, United States Department of Health, Education, and Welfare.

(h) Guidelines for Larger On-Site Sewage Disposal Systems, Washington State Department of Social and Health Services, now in draft form, or as later adopted.

(i) Guidelines for the Formation and Operation of On-site Waste Management Systems, Washington State Department of Social and Health Services, now in draft form, or as later adopted.

(j) Soil Evaluation Guidelines, Washington State Department of Social and Health Services, now in draft form, or as later adopted.

(2) In addition to the above, the discharge from any domestic wastewater facility subject to a departmental waste discharge permit shall meet the applicable effluent limitations. Domestic wastewater facilities, not subject to a waste discharge permit, shall (a) provide all known, available, and reasonable methods of treatment, and (b) not alter the groundwater to the extent that this is harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or potential uses. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-040, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-050 General sewer plan. (1) All general sewer plans required of any governmental agency prior to providing sewer service are "plans" within the requirements of RCW 90.48.110. Three copies of the proposed general sewer plan and each amendment to it shall be submitted to and approved by the department prior to its implementation.

(2) The general sewer plan shall be sufficiently complete so that engineering reports can be developed from it without substantial alterations of concept and basic considerations.

(3) The general sewer plan shall include the following information together with any other relevant data as requested by the department. To satisfy the statutes of the local government jurisdiction, additional information may be necessary.

(a) The purpose and need for the proposed plan.

(b) A discussion of who will own, operate, and maintain the system(s).

(c) The existing and proposed service boundaries.

(d) Layout map including the following:

(i) Boundaries. The boundary lines of the municipality or special district to be sewerred, including a vicinity map;

(ii) Existing sewers. The location, size, slope, capacity, direction of flow of all existing trunk sewers, and the boundaries of the areas served by each;

(iii) Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each;

(iv) Existing and proposed pump stations and force mains. The location of all existing and proposed pumping stations and force mains, designated to distinguish between those existing and proposed;

(v) Topography and elevations. Topography showing pertinent ground elevations and surface drainage shall be shown, as well as proposed and existing streets;

(vi) Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets,

and controlled overflows, if any. All existing and potential discharge locations should be noted; and

(vii) Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities.

(e) The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies.

(f) Any existing domestic and/or industrial wastewater facilities within twenty miles of the general plan area and within the same topographical drainage basin containing the general plan area.

(g) A discussion of any infiltration and inflow problems. Also a discussion of actions which will alleviate these problems in the future.

(h) A statement regarding provisions for treatment and discussion of the adequacy of such treatment.

(i) List of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of such industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration shall be given to future industrial expansion.

(j) Discussion of the location of all existing private and public wells, or other sources of water supply, and distribution structures as they are related to both existing and proposed domestic wastewater treatment facilities.

(k) Discussion of the various alternatives evaluated, and a determination of the alternative chosen, if applicable.

(l) A discussion, including a table, which shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period.

(m) A statement regarding compliance with any adopted water quality management plan pursuant to the Federal Water Pollution Control Act as amended.

(n) A statement regarding compliance with the State Environmental Policy Act of 1971 (SEPA) and the National Environmental Policy Act (NEPA), if applicable. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-050, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-060 Engineering report. (1) The engineering report for a domestic wastewater facility shall include each appropriate (as determined by the department) item required in WAC 173-240-050 for general sewer plans unless an up-to-date general sewer plan is on file with the department. Normally, an engineering report is not required for sewer line extensions or pump stations. See WAC 173-240-030(4). The facility plan described in federal regulation 40 CFR 35 is an "engineering report."

(2) The engineering report should be sufficiently complete so that plans and specifications can be developed from it without substantial changes. Three copies of the report shall be submitted to the department for

approval, excepting as waived under WAC 173-240-030(4) or (5).

(3) The engineering report shall include the following information together with any other relevant data as requested by the department:

(a) A statement regarding the present and expected future quantity and quality of wastewater, including any industrial wastes which may be present or expected in the sewer system.

(b) The degree of treatment required based upon applicable permits and regulations, the receiving body of water, the amount and strength of wastewater to be treated, and other influencing factors.

(c) The type of treatment process proposed, based upon the character of the wastewater to be handled, the method of disposal, the degree of treatment required, and a discussion of the alternatives evaluated and the reasons they are unacceptable.

(d) The basic design data and sizing calculations of each unit of the treatment works. Expected efficiencies of each unit and also of the entire plant, and character of effluent anticipated.

(e) Discussion of the various sites available and the advantages and disadvantages of the site(s) recommended. The proximity of residences or developed areas to any treatment works. The relationship of the twenty-five-year and one hundred-year flood to the treatment plant site and the various plant units.

(f) A flow diagram showing general layout of the various units, including the location of the effluent discharge.

(g) Detailed outfall analysis or other disposal method selected.

(h) A discussion of the method of final sludge disposal and any alternatives considered.

(i) Provision for future needs.

(j) Staffing and testing requirements for the facilities.

(k) An estimate of the costs and expenses of the proposed facilities and the method of assessing costs and expenses. The total amount shall include both capital costs and also operation and maintenance costs for the life of the project, and shall be presented in terms of total annual cost and present worth.

(l) A statement regarding compliance with any applicable state or local water quality management plan or any such plan adopted pursuant to the Federal Water Pollution Control Act as amended.

(m) A statement regarding compliance with the State Environmental Policy Act of 1971 (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

(4) The engineering report for projects utilizing subsurface disposal shall include information on the following together with appropriate parts of subsection (3) of this section, as determined by the department:

(a) Soils and their permeability;

(b) Percolation rate during different times of the year;

(c) Depth to groundwater during different times of the year;

(d) Groundwater movement;

(e) Overall effects of the proposed facility upon the groundwater in conjunction with any other subsurface disposal facilities that may be present;

(f) Availability of public sewers;

(g) Reserve areas for additional subsurface disposal.

(5) The engineering report for projects funded by the Environmental Protection Agency shall, in addition to the requirements of subsection (3) or (4) of this section, follow EPA facility plan guidelines contained in the EPA publication, "Guidance for Preparing a Facility Plan" (MCD-46), and shall indicate how the special requirements contained in 40 CFR 35.719-1 will be met. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-060, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-070 Plans and specifications. (1) The plans and specifications for a domestic wastewater facility are the detailed construction documents by which the owner or his contractor bid and construct the facility. The content and format of the plans and specifications shall be as stated in the state of Washington, "Criteria for Sewage Works Design."

(2) Two copies of the plans and specifications shall be submitted to the department for approval prior to start of construction, excepting as waived under WAC 173-240-030(4). [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-070, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-080 Operation and maintenance manual. (1) The proposed method of operation and maintenance of the domestic wastewater facility shall be stated in the engineering report or plans and specifications and approved by the department. The statement shall be a discussion of who will own, operate, and maintain the facility and what the staffing and testing requirements are. The owner shall follow the approved method of operation after the facility is constructed, unless changes have been approved by the department.

(2) In those cases where the facility includes mechanical components, a detailed operation and maintenance manual shall be prepared prior to completion of construction. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions. Two copies of the manual shall be submitted to the department for approval prior to completion of construction.

(3) The operation and maintenance manual shall include the following list of topics. For those projects funded by the Environmental Protection Agency the manual shall also follow the requirements of the EPA publication, "Considerations for Preparation of Operation and Maintenance Manuals."

(a) The assignment of managerial and operational responsibilities to include plant classification and classification of required operators.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(f) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

(g) Recordkeeping procedures and sample forms to be used.

(h) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(i) A section on safety.

(j) A section stating the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(k) Emergency plans and procedures.

(4) In those cases where the facility does not include mechanical components, an operation and maintenance manual, less detailed than that described in subsection (3) of this section, shall be submitted to the department for approval prior to completion of construction. The manual shall fully describe the treatment and disposal system and outline routine maintenance procedures needed for proper operation of the system. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-080, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-090 Certification of construction completion. Within thirty days following acceptance by the owner of the construction or modification of a domestic wastewater facility, the professional engineer in responsible charge of inspection of the project shall submit to the department a certificate stating the facilities were constructed without significant change from the department approved plans and specifications. The certificate will be furnished by the department and will be substantially the same form as WAC 173-240-105, Certificate of Construction of Water Pollution Control Facilities. The submission of the certificate is not necessary for sewer line extensions where the local government entity has received approval of a general sewer plan and standard design criteria. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-090, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-100 Requirement for certified operator. Each owner of a domestic wastewater treatment facility is required by chapter 70.95B RCW to have an operator, certified by the state, in responsible charge of the day to day operation. This requirement does not apply to a septic tank utilizing subsurface disposal. The certification procedures are set forth in chapter 173-230 WAC. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-100, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-105 Form--Certificate of construction of water pollution control facilities.

CERTIFICATE OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

Instructions:

- A. Upon completion, and prior to the use of any project or portions thereof, a professional engineer shall complete and sign this form, certifying that the project was constructed in accordance with the plans and specifications, and major change orders, approved by the Department of Ecology.
- B. If a project is being completed in phased construction, a map shall be attached showing that portion of the project being certified on the date given below. Each phase of a project must be certified as it is completed. Additional certification forms are available upon request from the Department of Ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT: _____

NAME OF OWNER _____ DOE PROJECT NO. _____
 ADDRESS _____ DATE PROJECT OR
 PHASE COMPLETED _____
 CITY _____ STATE _____ ZIP _____
 DOE PLAN AND
 SPECIFICATION
 APPROVAL DATE _____

I hereby certify that I am the project engineer of the above identified project; that said project was inspected by me or my authorized agent and that it was constructed and completed in accordance with the plans and specifications, and major change orders, approved by the Department of Ecology and as shown on the owner's "as-built" plans.

 Signature or Professional Engineer

 DATE

 SEAL
 OF
 ENGINEER

Please return completed form to the Department of Ecology office checked below.

- SW Regional Office
Department of Ecology
Mail stop LU-11
7272 Cleanwater Lane
Olympia, WA 98504
- Central Regional Office
Department of Ecology
2802 Main Street
Union Gap, WA 98903
- NW Regional Office
Department of Ecology
4350 150th Ave. NE
Redmond, WA 98052
- Eastern Regional Office
Department of Ecology
East 103 Indiana Ave.
Spokane, WA 99207

[Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-105, filed 1/23/79. Formerly chapter 372-20 WAC.]

INDUSTRIAL WASTEWATER FACILITIES

WAC 173-240-110 Submission of plans and reports.

(1) Prior to the construction or modification of industrial wastewater facilities, engineering reports and final plans for the project shall be submitted to and approved by the department.

(2) All engineering reports and final plans should be submitted by the owner consistent with a compliance schedule issued by the department or at least thirty days prior to the time approval is desired. The department will generally review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner will be notified and informed of the reason for the delay.

(3) Construction or modification of industrial wastewater facilities shall conform to the following schedule of tasks unless waived in accordance with subsection (4).

- (a) Submission and approval of an engineering report;
- (b) Submission and approval of final plans.

(4) Upon request by the owner, the department may waive the requirement for a two step submission of documents for minor dischargers. In such a case the department will require instead final plans which also include the appropriate (as determined by the department) information of the engineering report. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-110, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-120 Review standards. (1) The department will review engineering reports and final plans for industrial wastewater facilities to ensure that the documents and proposed facilities are consistent with good engineering practice.

(2) In addition, the discharge from any industrial wastewater facility subject to a departmental waste discharge permit shall meet the applicable effluent limitations. Industrial wastewater facilities, not subject to a waste discharge permit, shall (a) provide all known, available, and reasonable methods of treatment, and (b) not alter the groundwater to the extent that this is harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or potential uses. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-120, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-130 Engineering report. (1) The engineering report for an industrial wastewater facility shall be sufficiently complete so that final plans can be developed from it without substantial changes. The preliminary engineering report required for some industrial wastewater facilities is defined, for the purposes of this regulation, as an engineering report. One copy of the report shall be submitted to the department for approval.

(2) The engineering report shall include the following information together with any other relevant data as requested by the department:

- (a) Type of industry or business.
- (b) The kind and quantity of finished product.
- (c) The quantity and quality of water used by the industry and a description of how consumed or disposed of, including:
 - (i) The quantity and quality of all process wastewater and method of disposal;

- (ii) The quantity of domestic wastewater and how disposed of;

- (iii) The quantity and quality of noncontact cooling water (including air conditioning) and how disposed of; and

- (iv) The quantity of water consumed or lost to evaporation.

- (d) A statement concerning the receiving water (surface water, subsurface, or municipal collection system), and the location of the point of discharge.

- (e) The amount and kind of chemicals used in the treatment process, if any.

- (f) The basic design data and sizing calculations of the treatment units.

- (g) A description of the treatment process and operation, including a flow diagram.

- (h) All necessary maps and layout sketches.

- (i) Provisions for bypass, if any.

- (j) Physical provision for oil and hazardous waste spill control and/or accidental discharge prevention.

- (k) Results to be expected from the treatment process including the predicted wastewater characteristics, as shown in the waste discharge permit, where applicable.

- (l) Detailed outfall analysis.

- (m) The relationship to existing treatment facilities, if any.

- (n) A statement, expressing sound engineering justification through the use of pilot plant data, results from other similar installations, and/or scientific evidence from the literature, that the effluent from the proposed facility will meet applicable permit effluent limitations.

- (o) A discussion of the method of final sludge disposal selected and any alternatives considered with reasons for rejection.

- (p) A statement as to who will own, operate, and maintain the system after construction.

- (q) A statement regarding compliance with any state or local water quality management plan or any such plan adopted pursuant to the Federal Water Pollution Control Act as amended.

- (r) Provisions for any committed future plans.

- (s) A discussion of the various alternatives evaluated, if any, and reasons they are unacceptable.

- (t) A timetable for final design and construction.

- (u) A statement regarding compliance with the State Environmental Policy Act of 1971 (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

- (v) Additional items to be included in an engineering report for a solid waste leachate treatment system are:

- (i) A vicinity map and also a site map which shows topography, location of utilities, and location of the leachate collection network, treatment systems, and disposal;

- (ii) Discussion of the landfill site, working areas, soil profile, rainfall data, and ground water movement and usage;

- (iii) A statement of the capital costs and the annual operation and maintenance costs;

(iv) A description of all sources of water supply within two thousand feet of the proposed disposal site. Particular attention should be given to showing impact on usable or potentially usable aquifers. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-130, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-140 Final plans. (1) The final plans for an industrial wastewater facility may be conceptual rather than the complete construction drawings required as plans and specifications for domestic wastewater facilities. One copy of the final plans shall be submitted to the department for approval prior to start of construction.

(2) The final plans shall include the following information together with any other relevant data as requested by the department:

(a) Repeat presentation of the basic engineering design criteria from the engineering report.

(b) If there are any deviations from the concepts of the engineering report, explanation of the changes to include as much detail as would have been provided in an engineering report.

(c) The plan and section drawings of major components such as the treatment units, pump stations, flow measuring devices, sludge handling equipment, and influent and effluent piping. Foundations and/or soil preparation should be shown for major structures.

(d) A general site drawing showing the location with respect to the entire plant site and a detailed site drawing showing the component siting.

(e) A schematic drawing showing flows to include: In plant collection, and wastewater pumping, treatment, and discharge.

(f) A hydraulic profile showing head under maximum flows. This requirement is not necessary where the two step submission of documents has been waived pursuant to WAC 173-240-110(4).

(g) Instrumentation, controls, and sampling schematics.

(h) General operating procedures such as startup, shutdown, spills, etc. [Statutory Authority: RCW 90.48-110. 79-02-033 (Order DE 78-10), § 173-240-140, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-150 Operation and maintenance manual. (1) A detailed operation and maintenance manual shall be prepared for an industrial wastewater facility which includes mechanical components prior to the completion of construction. The manual is not to be submitted to the department for review, however the manual shall be kept on site at all times and be available for inspection by department staff. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions.

(2) The operation and maintenance manual shall include the following list of topics:

(a) The names and phone numbers of the responsible individuals.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) Explanation of the operational objectives for the various wastewater parameters, i.e. sludge age, settleability, etc.

(f) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(g) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

(h) Recordkeeping procedures and sample forms to be used.

(i) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(j) A section on safety.

(k) A section containing the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(l) Emergency plans and procedures. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-150, filed 1/23/79. Formerly chapter 372-20 WAC.]

DOMESTIC AND INDUSTRIAL WASTEWATER FACILITIES

WAC 173-240-160 Requirement for professional engineer. (1) All required engineering reports, plans and specifications and final plans, for the construction or modification of wastewater facilities shall be prepared under the supervision of a professional engineer licensed in accordance with chapter 18.43 RCW. All copies of these documents submitted to the department for review shall bear the seal of the professional engineer under whose supervision they have been prepared.

(2) Upon request of the owner, the department may waive the above requirement for construction or modification at minor industrial wastewater facilities with insignificant discharges and at animal feeding operations. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-160, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-170 Right of inspection. Pursuant to RCW 90.48.090, the department or its authorized representative shall have the right to enter at all reasonable times in or upon any property, public or private, for the purposes of inspection or investigation relating to the pollution or possible pollution of the waters of the state, including the inspection of construction activities related to domestic and industrial wastewater facilities. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-170, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-180 Approval of construction changes. All wastewater facilities subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications or final plans approved by the department. Any contemplated changes during construction, which are significant deviations from the approved plans, shall first be submitted to the department for approval. [Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-180, filed 1/23/79. Formerly chapter 372-20 WAC.]

Chapter 173-250 WAC

CONSTRUCTION GRANTS PROGRAM--PRIORITY RATING SYSTEM AND PROJECT PRIORITY LIST

WAC

173-250-010	Purpose and scope.
173-250-020	Definitions.
173-250-030	Development and approval of the system.
173-250-040	Development and approval of the state project priority list.

WAC 173-250-010 Purpose and scope. The director shall publish a priority rating and ranking system annually which shall be used for the purpose of constituting a project priority list. The purpose of this chapter is to describe (1) the criteria to be considered when establishing the numerical rating parameters portion of the system, (2) the criteria to be considered when establishing the administrative and management ranking procedures portion of the system, (3) the process to be followed in seeking approval of the system, (4) how the system is to be used to constitute a project priority list, and (5) the process to be followed in seeking approval of the project priority list. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-010, filed 8/24/78.]

WAC 173-250-020 Definitions. For the purpose of this chapter:

(1) "Category of projects" means one of the following: (a) Secondary treatment, (b) more stringent treatment, (c) infiltration-inflow correction, (d) major sewer system rehabilitation, (e) new collection sewer and appurtenances, (f) new interceptors and appurtenances, (g) correction of combined sewer overflows and (h) subsurface disposal systems.

(2) "Director" means the director of the Washington state department of ecology, or his duly authorized representative.

(3) "Priority rating and ranking system" (hereinafter referred to as the system) means the process and criteria used by the department of ecology to rate and rank projects in the state that are considered eligible for assistance under the construction grants program. Ranking criteria include the administrative and management procedures for constituting and revising the project priority list.

(4) Project means any one of the following: (a) Facility planning (step 1), (b) design (step 2), (c) and construction (step 3).

(5) Project priority list means the annual list of rated and ranked projects for which federal and state grant assistance is expected during the five-year planning period starting at the beginning of the next federal fiscal year.

(6) Significant revisions means changes to the approved project priority list which effect the public-at-large.

(7) "Wastewater treatment works construction grants program" (hereinafter referred to as the construction grants program) means the federal funded program under Title II of Public Law 95-217 and the state funded program under chapter 43.83A RCW (Referendum 26) that provides for grants to public and private entities for the purpose of constructing or upgrading treatment works to meet the requirements of the state and federal water pollution control laws. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-020, filed 8/24/78.]

WAC 173-250-030 Development and approval of the system. (1) The director will establish project rating parameters which consider, but are not limited to, the following criteria:

(a) The severity of the pollution problem in navigable waters and ground waters;

(b) The existing population affected;

(c) The need for preservation of high quality waters;

(d) The need for protection of the public health by improving the sanitary condition of surface and underground waters; and

(e) Violation of state water quality standards and other enforceable provisions of Public Law 95-217.

(2) The director will establish project ranking procedures which consider, but are not limited to, the following criteria:

(a) Numerical rating of each project achieved in accordance with the priority rating criteria established under WAC 173-250-030(1);

(b) Readiness for grant award during the next federal fiscal year;

(c) Readiness for grant award during each of the ensuing four federal fiscal years following the next;

(d) Phasing of large dollar amount projects to allow for effective distribution of grant funds;

(e) A proper mix of projects which are ready for facility planning, design and construction;

(f) Determination of the priority to be given each category of projects;

(g) Total federal or state grant funds available during the next fiscal year and anticipated during each of the ensuing four fiscal years;

(h) The deadline for obligation of federal funds;

(i) Special needs of small and rural communities; and

(j) An identification of what constitutes significant revisions to the approved project priority list (including bypass, deletion or addition of projects).

(3) The system will be described each year and be the subject of an annual public hearing. Notice of this hearing shall appear in the state Register pursuant to chapter 34.08 RCW.

(4) A fact sheet describing the proposed system shall be developed by the director each year and be available to the public at the regional offices of the department of ecology at least fifteen days prior to the public hearing.

(5) After reviewing public comments the director will revise the proposed system as appropriate. A summary of state responses to public comment and to any public hearing testimony shall be prepared and made available for distribution to the public.

(6) The proposed system as published by the director shall be submitted each year to the federal Environmental Protection Agency for approval. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-030, filed 8/24/78.]

WAC 173-250-040 Development and approval of the state project priority list. (1) A list of prospective projects will be developed using the municipal needs inventory, the NPDES permit files, and requests received from municipal entities, and information received from local and state health agencies.

(2) The director shall utilize the published system to constitute a project priority list as follows:

(a) Use the project rating parameters to generate a numerical score for each prospective project; and

(b) Use the project ranking procedures to constitute the project priority list.

(3) The fundable portion of the project priority list shall include those projects planned for award during the first year of the five-year planning period and shall not exceed the total federal funds expected to be available during the year less all applicable reserves provided for by federal regulations.

(4) Thirty days public notice shall be given that the project priority list will be the subject of a public hearing. Notice of this hearing shall appear in the state Register pursuant to chapter 34.08 RCW.

(5) The project priority list will be available to the public at the regional offices of the department of ecology, at least fifteen days prior to the public hearing.

(6) The public comments will be reviewed and the director shall approve the project priority list as proposed or as revised in accordance with public comments.

(7) The project priority list, as approved by the director, shall be submitted to the federal Environmental Protection Agency for review to ensure compliance with the approved system.

(8) Significant revisions to the approved project priority list shall be the subject of the public notice and hearing process as set forth in WAC 173-250-040(4), (5), (6), and (7). [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-040, filed 8/24/78.]

**Chapter 173-255 WAC
LIMITATIONS ON USE OF REFERENDUM 26
GRANT FUNDS FOR WATER POLLUTION
ABATEMENT**

WAC

173-255-010	Purpose and scope.
173-255-020	Effective date.
173-255-030	Definitions.
173-255-040	Limitation of programs eligible for funding under Referendum Bill No. 26.
173-255-050	Limitation on grant awards within the municipal grants program.
173-255-060	Provision of guidelines.

WAC 173-255-010 Purpose and scope. The purpose of this chapter is to set forth the limitations on uses of moneys administered by the department of ecology pursuant to chapter 43.83A RCW (Referendum Bill No. 26). The limitations are necessary to insure that these funds will be used to their optimum extent to protect the resources and environment of the state of Washington and the health and safety of its people by providing adequate publicly owned facilities and systems for the collection, treatment and disposal of solid and liquid waste materials. [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-010, filed 8/24/78.]

WAC 173-255-020 Effective date. All projects, or phases of projects, which have not received a federal or state grant award for design, before the effective date of this chapter will be subject to provisions contained herein. [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-020, filed 8/24/78.]

WAC 173-255-030 Definitions. For the purpose of this chapter:

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

(2) "Agricultural pollution grants program" means the program of grants administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution abatement facilities.

(3) "Lake restoration grants program" means the program of state grants administered by the department for the planning, design and implementation of lake restoration projects.

(4) "Marina pumpout grants program" means the program of state grants administered by the department for the design and construction of sewage pumpout facilities and dump stations at publicly owned or operated marinas.

(5) "Municipal wastewater treatment works construction grants program" (hereinafter referred to as the construction grants program) means the federal/state matching program of grants under Title II of Public Law 95-217 to municipal entities for the purpose of upgrading their treatment works to meet the effluent requirements of state and federal law.

(6) "Water supply residual waste treatment works grants program" means the program of state grants administered by the department for the design and construction of pollution abatement facilities for publicly owned or operated water supply plants in existence on February 3, 1976, that discharge residual wastes to the waters of the state.

(7) "Individual systems" means privately owned treatment works serving one or more principal residences or small commercial establishments constructed prior to and inhabited on or before December 27, 1977, to abate an existing water pollution or public health problem.

(8) "Industrial cost recovery program" means the program established under Title II section 204(b) of the Federal Water Pollution Control Act Amendments (Public Law 92-217) to recover the cost of municipal treatment systems attributed to industrial users, when a municipal treatment system has been funded with federal funds under Title II.

(9) Industrial user:

(a) Any nongovernmental user of publicly owned treatment works which discharges more than twenty-five thousand gallons per day of sanitary waste, or a volume of process waste or combined process and sanitary waste, equivalent to twenty-five thousand gallons per day of sanitary waste.

(b) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

(c) All commercial users of an individual system constructed with grant assistance under section 201(h) of the Clean Water Act of 1977 (P.L. 95-217).

(10) "Innovative and alternative technology projects" means those projects employing innovative and alternative wastewater treatment processes and techniques as defined by EPA guidelines in 40 CFR 35, Appendix E, and which are eligible for federal grants under 40 CFR 35.908 promulgated on April 25, 1978, or hereafter modified. [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-030, filed 8/24/78.]

WAC 173-255-040 Limitation of programs eligible for funding under Referendum Bill No. 26. (1) The following programs shall be eligible for state matching grants in an amount not to exceed fifty percent of the total eligible cost of a project as determined by the department: The marina pumpout grants program, the water supply plant residual waste treatment works grants program, the lake restoration grants program, and the agricultural pollution grants program. The department may authorize a matching grant less than fifty percent of the total eligible cost of a project in those cases where it would be in the public interest, or where federal

matching funds are available and it would be in the public interest to secure a local matching portion.

(2) The construction grants program shall be eligible for state matching grants in an amount not to exceed fifteen percent of the total eligible cost of a project as determined by the department except as provided in WAC 173-255-050(1). [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-040, filed 8/24/78.]

WAC 173-255-050 Limitation on grant awards within the municipal grants program. (1) The state matching grants for innovative and alternative technology projects shall be limited to nine percent which is the same portion of the nonfederal share as other types of projects funded under the construction grants program.

(2) Expenditure of funds under the provisions of chapter 43.83A RCW is limited to public bodies which are defined in the statute to mean any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. This provision and definition prohibits the expenditure of state funds for matching grants for, among others:

(a) Individual systems; and

(b) That portion of the construction of a municipal treatment works attributable to industrial users. Such portion is to be determined through the Environmental Protection Agency's industrial cost recovery program. [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-050, filed 8/24/78.]

WAC 173-255-060 Provision of guidelines. The department will publish guidelines which establish procedures, under each of the Referendum 26 grant programs, for the grant application and award process. [Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-060, filed 8/24/78.]

Chapter 173-302 WAC HAZARDOUS WASTE REGULATION

WAC

173-302-165 Disposal prohibited.
173-302-390 Compliance.

WAC 173-302-165 Disposal prohibited. No person shall dispose of designated extremely hazardous waste at any disposal site in the state other than the disposal site established and approved by the department under chapter 70.105 RCW. No person is prohibited from the treatment of such waste, as set out in WAC 173-302-350 through 173-302-380, or from out-of-state shipment of such waste as a means of complying with this section. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-165, filed 7/12/78.]

WAC 173-302-390 Compliance. All generators, transporters, treaters, and the operator shall comply with chapter 173-302 WAC according to the following time schedules:

(a) WAC 173-302-010 through 173-302-060 – upon the effective date of this regulation. This includes:

- WAC 173-302-010 – Purpose
- WAC 173-302-020 – Applicability
- WAC 173-302-030 – Abbreviations
- WAC 173-302-040 – Definitions
- WAC 173-302-050 – Conference
- WAC 173-302-060 – Imminent Hazard

(b) WAC 173-302-070 through 173-302-165, and 173-302-350, 173-302-360, 173-302-380(1) and (3) – on August 1, 1978. This includes:

- WAC 173-302-070 – Designation of EHW
- WAC 173-302-080 – Categorization
- WAC 173-302-090 – Criteria for DW
- WAC 173-302-100 – Criteria for EHW
- WAC 173-302-110 – Hazardous Due to Toxicity Man and Wildlife
- WAC 173-302-120 – Hazardous Due to Quantity
- WAC 173-302-130 – Hazardous Due to Persistence and Potential Hazard
- WAC 173-302-140 – Containers
- WAC 173-302-150 – Division and Dilution and Accumulation
- WAC 173-302-160 – Appeal of Designation
- WAC 173-302-165 – Disposal Prohibited
- WAC 173-302-350 – Treater Requirements
- WAC 173-302-360 – Treater Applicability
- WAC 173-302-380(1) and (3) – Treatment Criteria

(c) WAC 173-302-170 through 173-302-340, 173-302-370 and 173-302-380(2) – on September 1, 1979. This includes:

- WAC 173-302-170 – Generator Requirements
- WAC 173-302-180 – Manifest Procedures
- WAC 173-302-190 – Manifest Form
- WAC 173-302-200 – Transporter Requirements
- WAC 173-302-210 – Transporter Applicability
- WAC 173-302-220 – Waste Acceptance
- WAC 173-302-230 – Transporting
- WAC 173-302-130 [173-302-240] – Operator Requirements
- WAC 173-302-250 – Yearly Operating Plan
- WAC 173-302-260 – EHW Acceptances
- WAC 173-302-270 – EHW Handling at the Disposal Site
- WAC 173-302-280 – Environmental Requirements
- WAC 173-302-290 – Security Requirements
- WAC 173-302-300 – Safety Requirements
- WAC 173-302-310 – Emergency Requirements
- WAC 173-302-320 – Personnel Requirements
- WAC 173-302-330 – Department Surveillance
- WAC 173-302-340 – Financial Requirements
- WAC 173-302-370 – E.H.W. Acceptance
- WAC 173-302-380(2) – Treatment Criteria [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-390, filed

7/12/78; Order DE 77-34, § 173-302-390, filed 12/29/77.]

Chapter 173-400 WAC

GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

WAC

- 173-400-020 Applicability.
- 173-400-030 Definitions.
- 173-400-040 General standards for maximum permissible emissions.
- 173-400-050 Minimum emission standards for combustion and incineration sources.
- 173-400-070 Minimum standards for certain source categories.
- 173-400-075 Emission standards for sources emitting hazardous air pollutants.
- 173-400-080 Compliance schedules.
- 173-400-100 Registration.
- 173-400-110 New source review.
- 173-400-115 Standards of performance for new stationary sources.
- 173-400-120 Monitoring and special report.
- 173-400-130 Regulatory actions.
- 173-400-135 Criminal penalties.
- 173-400-150 Variance.
- 173-400-160 Maintenance of pay.
- 173-400-170 Requirements for boards and director.

WAC 173-400-020 Applicability. The provisions of this chapter shall apply state-wide. An activated air pollution control authority may enforce this chapter and may in addition adopt standards or requirements which are equivalent to or more stringent than standards or requirements on the same subject matter established by this chapter. This regulation is applicable to all sources of air contaminants except: (1) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(2) Automobiles, trucks, trains, aircraft.

(3) Those sources under the jurisdiction of the energy facility site evaluation council.

(4) The director of board may exempt sources from the procedural requirements of WAC 173-400-100, 173-400-110, and 173-400-120, however no source may be exempted from requirements of federal law or regulation. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-020, filed 5/8/79; Order DE 76-38, § 173-400-020, filed 12/21/76. Formerly WAC 18-04-020.]

WAC 173-400-030 Definitions. Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air Pollutant" means the same as "Air Contaminant".

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient

quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Air pollution control authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 CFR part 60 and Part 61.

(ii) The applicable state implementation plan emission limitation, or

(iii) The emission rate specified as a permit condition.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(8) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this regulation which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is assumed to mean the same as best available control technology.

(9) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(10) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(11) "Commenced construction" means that a owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(12) "Compliance schedule" means a schedule of steps to be taken to comply with emission requirements including a description of the specific steps and the date when each step will be completed.

(13) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

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

(15) "Director" means the director of the department of ecology or his duly authorized representative.

(16) "Emission" means a release of contaminants into the ambient air.

(17) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(18) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(19) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

(20) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(21) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(22) "Fugitive emissions" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are reentrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(23) "General process source" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(24) "Incinerator" means a furnace used primarily for the destruction of waste.

(25) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(26) "Major source" means:

(i) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant regulated under the clean air act (the "Act"): Fossil fuel-fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process) primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(ii) Notwithstanding the source sizes specified above, any source which emits, or has the potential to emit, two hundred and fifty tons per year or more of any air pollutant regulated under the Act.

(27) "Masking" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(28) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(29) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(30) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(31) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(32) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(33) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(34) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(35) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(36) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(37) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(38) "Source" means one or more processes or operations which emit or may emit any contaminants to the ambient air. A stationary source is composed of one or more pollutant emitting facilities.

(39) "Source category" means all sources of the same type or classification.

(40) "Standard conditions" means a temperature of 60°F (15.6°C) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

(41) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(42) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission

standards. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-030, filed 5/8/79; Order DE 76-38, § 173-400-030, filed 12/21/76. Formerly WAC 18-04-030.]

WAC 173-400-040 General standards for maximum permissible emissions. All point sources are required to meet the emission standards of this chapter. Further, all point sources are required to use reasonably available control technology which may be determined for some sources or source categories to be more stringent than the emission limitations of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department or authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date and shall constitute a compliance schedule. All sources in nonattainment areas shall be in compliance by December 31, 1982 with RACT requirements for nonattainment pollutants which have been defined by July 1, 1981. For RACT requirements defined after July 1, 1981, sources will be placed on a compliance schedule which will be completed as soon as practicable.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except as follows:

(a) When the person responsible for the source can demonstrate that the emissions in excess of twenty percent will not exceed fifteen minutes in any consecutive eight hours.

(b) When the owner or operator of a source supplies valid data to show that the opacity is in excess of twenty percent as the result of the presence of condensed water droplets, and that the concentration of particulate matter, as shown by a source test approved by the director, is less than one-tenth (0.10) grain per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(2) Preventing particulate matter from being deposited. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(3) Fugitive emissions. The owner or operator of any source involving materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the source has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonably available control technology to control emissions of the contaminants for which nonattainment has been designated. Significance will be determined by EPA interpretive ruling for PSD and offsets on file with the department.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(5) Emission of air contaminants detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of one thousand parts per million (ppm) of sulfur dioxide except as follows:

(i) When the owner or operator of a source supplies emission data and can demonstrate to the director or board that there is no feasible method of reducing the concentration to less than one thousand ppm and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the director or board may require the owner or operator to equip, operate, and maintain continuous ambient air monitoring stations at locations approved by the director or board and using equipment approved by the director or board. All sampling results will be made available upon request and a monthly summary will be submitted to the department or authority.

(ii) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the director or board, as permitted by WAC 173-400-040(13).

(b) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The department may issue a regulatory order to the person responsible for a fugitive dust source and require measures to be used for control.

(9) The owner or operator of any existing fugitive dust source that has been identified as a significant contributor to the nonattainment status of a designated nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by EPA interpretive ruling for PSD and offsets as on file with the department.

(10) All sources of fugitive dust required to use reasonably available control technology shall be in compliance by July 1, 1981 or on a compliance schedule which will be completed by December 31, 1982. Sources required to use RACT after July 1, 1981 shall be placed on a compliance schedule which will be completed as soon as practicable.

(11) The development of specific requirements for a nonattainment area shall include consultation with local government in the area and an opportunity shall be provided for public comment on the measures.

(12) Whenever reasonably available control technology has been defined for a source or category of sources in any area, the department or local agency shall issue a regulatory order to the source or sources requiring that the defined technology be implemented and establishing a date when the implementation will be completed.

(13) Use of tall stacks of dispersion techniques.

(a) The degree of emission limitation required for control of any pollutant shall not be affected in any manner by:

(i) So much of the stack height of any source as exceeds good engineering practice, as defined by WAC 173-400-040(13)(c)(ii) or

(ii) Any other dispersion technique. This subsection (a) shall not apply with respect to stack heights in existence or dispersion techniques implemented before December 31, 1970.

(b) A source which utilizes a stack height in existence before December 31, 1970 which exceeds good engineering practice, or which implemented dispersion techniques before December 31, 1970 shall be permitted to use such stack height or other dispersion techniques approved by the director or board to comply with any provisions of the Washington state implementation plan to attain and maintain national ambient air quality standards, but only when such dispersion techniques are used in conjunction with constant emissions controls specified for such source in the implementation plan submitted by the state.

(c) For the purposes of this section, the following words and terms shall have the following meanings:

(i) "Stack" means any point in a source designated to emit solids, liquids, or gases into the air, including a pipe, duct, or flare.

(ii) "Good engineering practice" means, with respect to stack heights, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the

height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the director of board that a greater height is necessary as provided under the preceding sentence. In no event shall this section be construed to prohibit any increase in any stack height or restrict in any manner the stack height of any source.

(iii) "Dispersion technique" means any intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams. The preceding sentence does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of aiding dispersion. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-040, filed 5/8/79; Order DE 76-38, § 173-400-040, filed 12/21/76. Formerly WAC 18-04-040.]

WAC 173-400-050 Minimum emission standards for combustion and incineration sources.

(1) Combustion and incineration sources must meet all requirements of WAC 173-400-040 above and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grain per standard dry cubic foot, except, (a) for sources utilizing the combustion of wood for the production of steam, no person shall allow or permit the emission of particulate matter in excess of 0.20 grain per standard dry cubic foot, as measured by procedures on file at the department.

(2) For all incinerator sources, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by procedures on file at the department. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the director.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, except when the director or board shall determine that an alternate oxygen correction factor is appropriate. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-050, filed 5/8/79; Order DE 76-38, § 173-400-050, filed 12/21/76. Formerly WAC 18-04-050.]

WAC 173-400-070 Minimum standards for certain source categories.

The director finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed. Except as specifically provided in this section, such sources shall not be required to meet the provisions of WAC 173-400-040, WAC 173-400-050 and WAC 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040.

(b) All wigwam burners shall use equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by the department.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and WAC 173-400-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and WAC 173-400-050. Wigwam burners will be considered to be in compliance with WAC 173-400-040(1) if they meet the requirements contained therein except during a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply best available control technology (BACT).

(iii) A requirement to reduce or eliminate emissions if the director establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and WAC 173-400-050(1), except that emissions caused by conditions beyond the control of the owner or operator may exceed twenty percent opacity for up to fifteen consecutive minutes once in any four hours provided that the operator shall take immediate action to correct the condition.

(b) All hog fuel boilers shall utilize equipment, facilities and practices which represent the practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The director may establish additional requirements for hog fuel boilers located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It shall be unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

(a) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040(2), (3), (4), and (5).

(b) The director may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas as defined in chapter 18-06 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet the provisions of WAC 173-400-040(1) and WAC 173-400-060.

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040 and in addition:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of two-tenths (0.20) grain per standard cubic foot of dry exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115, unless preempted by EFSEC jurisdiction.

(c) The director may establish additional requirements for catalytic cracking units located in, or proposed for location in, sensitive areas as defined by chapter 18-06 WAC.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The director may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions. [Statutory Authority: RCW 43.21A-.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-070, filed 5/8/79; Order DE 76-38, § 173-400-070, filed 12/21/76. Formerly WAC 18-04-070.]

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States environmental protection agency prior to April 26, 1979, as contained in title 40, code of federal regulations, part 61, are by this reference adopted and incorporated herein.

(2) The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, beryllium, mercury, or vinyl chloride shall conform with the requirements of title 40, code of federal regulations, part 61, as promulgated prior to April 26, 1979.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-075, filed 5/8/79; Order DE 76-38, § 173-400-075, filed 12/21/76. Formerly WAC 18-04-075.]

WAC 173-400-080 Compliance schedules. (1) Whenever a source is found to be in violation of the provisions of this chapter, the department or board may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

(3) Sources on a compliance schedule but not meeting emission standards may be subject to delayed compliance penalties as provided for in the federal clean air act. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-080, filed 5/8/79; Order DE 76-38, § 173-400-080, filed 12/21/76. Formerly WAC 18-04-080.]

WAC 173-400-100 Registration. The owner or operator of each stationary source within the following source categories shall register the source with the department unless such registration is required by an air pollution control authority with jurisdiction over the source or unless the source is under the jurisdiction of the state energy facility site evaluation council (EFSEC).

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Cattle feedlots with facilities for one thousand or more cattle;
- (4) Chemical plants;
- (5) Ferrous foundries;
- (6) Fertilizer plants;
- (7) Grain handling, seed processing, pea and lentil processing facilities;
- (8) Mineralogical processing plants;
- (9) Nonferrous foundries;
- (10) Oil refineries;

- (11) Other metallurgical processing plants;
- (12) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (13) Rendering plants;
- (14) Scrap metal operations;
- (15) Veneer dryers;
- (16) Wood waste incinerators including wigwam burners;
- (17) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (18) Stationary internal combustion engines rated at five hundred horse power or more;
- (19) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (20) Any category of stationary sources to which a federal standard or performance applies;

(21) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants;

(22) Any other source which has a potential emission rate of one hundred tons per year of any air contaminant for which a state or federal ambient air quality standard has been established except carbon monoxide; and

(23) Any source with potential emission rate of one thousand tons per year of carbon monoxide.

Registration shall be on forms to be supplied by the department or local authority within the time specified thereon.

A report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-100, filed 5/8/79; Order DE 76-38, § 173-400-100, filed 12/21/76. Formerly WAC 18-04-100.]

WAC 173-400-110 New source review. (1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173-400-100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source. This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance or a national emission standard for hazardous air pollutants (NESHAPS) has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(2) Whenever the construction, installation or establishment of any new stationary source, except single-family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173-400-100, the department may require the owner or operator thereof to file a notice of construction with the

department. The department shall impose no such requirement if such a notice is required by an air pollution control authority with jurisdiction over the source.

(3)(a) The addition to or enlargement or replacement of or major alteration in any stationary source already existing which is undertaken pursuant to an approved variance which includes a compliance schedule for the reduction of emissions therefrom shall be exempt from the requirements of this section.

(b) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department or local air pollution authority with jurisdiction over the source shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(c) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in WAC 173-400-110(3)(b), which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.50 RCW, energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(6) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new stationary source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control. If the source is a major source and is located in a nonattainment area it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required. BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(c) The proposed project meets all requirements of prevention of significant deterioration regulations if applicable.

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source and is located in a nonattainment area or whose emissions significantly effect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed.

(e) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(7) Within thirty days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-400-100 (6);

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), (6)(c), (6)(d) or (6)(e) in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c), (6)(d) and (6)(e) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto.

(10) For sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source and with the applicable ambient air standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(11) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department or authority. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-110, filed 5/8/79; Order DE 76-38, § 173-400-110, filed 12/21/76. Formerly WAC 18-04-110.]

WAC 173-400-115 Standards of performance for new stationary sources. Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to November 1, 1978 is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or to the appropriate air pollution control authority.

(1) Sections 60.5 and 60.6 of title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

(2) Energy facility siting: The requirements of WAC 173-400-115 do not apply to any sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(3) As of November 1, 1978, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following:

- (a) incinerators (more than fifty tons per day)
- (b) portland cement plants
- (c) nitric acid plants
- (d) sulfuric acid plants
- (e) asphalt concrete plants
- (f) petroleum refineries
- (g) storage vessels for petroleum liquids (more than forty thousand gallons)
- (h) secondary lead smelters
- (i) secondary brass and ingot production plants
- (j) iron and steel plants
- (k) sewage treatment plants (sewage sludge incinerators)
- (l) primary copper smelters
- (m) primary zinc smelters
- (n) primary lead smelters
- (o) primary aluminum reduction plants
- (p) phosphate fertilizer industry: wet process phosphoric acid plants
- (q) phosphate fertilizer industry: super phosphoric acid plants
- (r) phosphate fertilizer industry: diammonium phosphate plants
- (s) phosphate fertilizer industry: triple super phosphate plants

(t) phosphate fertilizer industry: granular triple super phosphate storage facilities

- (u) coal preparation plants
- (v) ferroalloy production
- (w) steel plants: electric arc furnaces
- (x) kraft mills
- (y) lime manufacturing plants
- (z) grain elevators

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air pollution control authority" as used in this section means an activated authority which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference or its own more stringent regulations applicable to the same sources, and within whose boundary a new stationary source is proposed. [Statutory Authority: RCW 43.21A-.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-115, filed 5/8/79; Order DE 76-38, § 173-400-115, filed 12/21/76. Formerly WAC 18-04-115.]

WAC 173-400-120 Monitoring and special report.

(1) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring, and to report the results to the department.

(2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director, or his authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the director, or his authorized representative, when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) Source testing. In order to demonstrate compliance with this regulation, the director, or his authorized representative, may require that a test be made of the source in a manner approved by the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Abnormal operations or upset conditions.

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution

control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates and the department or agency finds that:

(i) The incident was reported as required; and

(ii) Complete details were furnished the department or agency; and

(iii) Appropriate remedial steps have been taken; and

(iv) The incident was unavoidable.

(c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the department or agency to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimizing emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions as well as the impact of the emissions on ambient air quality were minimized by taking all reasonable steps.

(5) Continuous monitoring and recording. Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned; or

(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard.

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input, or

(B) Sulfur dioxide control equipment has not been installed.

(iii) Percent Oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the department by the owner or operator.

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

Steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120(5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120(5)(d) shall be subject to approval by the department.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the department compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(f) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this regulation by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

(g) Special considerations. If for reason of physical plant limitations or extreme economic situations, the department determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(h) Exemptions. This sub-section (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by section 115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

(i) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and 24-hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw-material used which will result in emissions of more than twenty five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of fifty tons per year or more over that stated in the initial inventory required by WAC 173-400-120(6) shall require the submittal of sufficient information to the department or local authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-120, filed 5/8/79; Order DE 76-38, § 173-400-120, filed 12/21/76. Formerly WAC 18-04-120.]

WAC 173-400-130 Regulatory actions. The department may take any of the following regulatory actions to enforce this chapter. (1) Notice of violation. Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed two hundred and fifty dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the director,

or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The director, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The department may issue such orders as authorized by chapter 194, Laws of 1971, ex. sess., whenever an air pollution episode is forecast. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-130, filed 5/8/79; Order DE 76-38, § 173-400-130, filed 12/21/76. Formerly WAC 18-04-130.]

WAC 173-400-135 Criminal penalties. Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-135, filed 5/8/79.]

WAC 173-400-150 Variance. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Sources in any area over which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice.

(2) Variances granted by a local agency board for sources under their jurisdiction will be accepted as variances to this regulation.

(3) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-150, filed 5/8/79; Order DE 76-38, § 173-400-150, filed 12/21/76. Formerly WAC 18-04-150.]

WAC 173-400-160 Maintenance of pay. Any source which uses a supplemental or intermittent control

system for the purpose of meeting the requirements of section 123, section 113(d), or section 119 of the Clean Air Act, as amended, shall not temporarily reduce the pay of any employee because of the use of the supplemental or intermittent or other dispersion-dependent control systems. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-160, filed 5/8/79.]

WAC 173-400-170 Requirements for boards and director. (1) A majority of the members of any local air pollution control authority board shall represent the public interest. A majority of the members of such boards, and the director, shall not derive any significant portion of their respective incomes from persons subject to permits or enforcement orders pursuant to the state and federal clean air acts. An elected public official and the director shall be presumed to represent the public interest. In the event that a director derives a significant portion of his income from persons subject to permits or enforcement orders, he shall delegate sole responsibility for administration of any part of the program which involves these persons to the deputy director or an assistant director, as appropriate.

(2) Each member of any local board and the director shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member or director shall remove himself from participation as a board member in any action or voting on such matter.

(3) For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than social security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income." [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-170, filed 5/8/79.]

Chapter 173-490 WAC

EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING VOLATILE ORGANIC COMPOUNDS (VOC)

WAC

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WAC 173-490-010 Purpose. The purpose of this regulation is to establish control requirements for sources emitting volatile organic compounds. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-010, filed 5/8/79.]

WAC 173-490-020 Definitions. Unless a different meaning is indicated by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a submerged fill line.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Closed refinery system" means a system that will process or dispose of those VOC collected from another system. The mass quantity of collected VOC emitted to the ambient air from the closed refinery system shall by comparison not exceed that required for a disposal system.

(4) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

(5) "Demonstrate" means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

(6) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(7) "Gasoline" means a petroleum distillate having a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, that is a liquid at standard conditions of 760 mm of Hg and 20°C, and is used as a fuel for internal combustion engines.

(8) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(9) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(10) "Petroleum refinery" means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives.

(11) "Proper attachment points and fittings" means connecting hardware for the purpose and of a design, equal or better in function and quality, as that readily

available from manufacturers specializing in such equipment and meeting the user-industry's practices, standards or specifications and the standards of other agencies or institutions responsible for safety.

(12) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening entirely below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(13) "Submerged loading" means the filling of a tank with a submerged fill line.

(14) "Suitable closure" or "suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(15) "Transport tank" means a container with a capacity greater than one thousand liters (260 gallons) used for shipping gasoline, including but not limited to, tank truck, tank trailer, railroad tank car, and metallic or nonmetallic tank or cell conveyed on a flatbed truck, trailer or railroad car.

(16) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(17) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C and pressure of 760 mm of Hg. Excluded compounds are methane, ethane trichloro trifluorethane, methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform). [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-020, filed 5/8/79.]

WAC 173-490-025 Applicability. This regulation shall apply to the qualifying emission sources of volatile organic compounds in the source categories listed below and located in or operating within designated ozone nonattainment areas of the state of Washington. Sources of volatile organic compound emissions may be exempted, by the department, from any requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the facility complies with a phase-out schedule approved by the department. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's functioning. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.

- (1) Petroleum refineries.
- (2) Petroleum liquid storage tanks.
- (3) Gasoline loading terminals.

- (4) Bulk gasoline plants.
- (5) Gasoline dispensing facilities.
- (6) Surface coaters.
- (7) Open top vapor degreasers.
- (8) Conveyorized degreasers.
- (9) Cutback asphalt paving.

This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC). [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-025, filed 5/8/79.]

WAC 173-490-030 Registration and reporting. (1) The owner or operator of a stationary emission source of volatile organic compounds that must comply with any requirements in section 040, except those exemptions given in subsection (4) of this section, shall register the source by October 1, 1979 with the department. Registration shall be in accordance with instructions received from the department or authority. If such registration is required by an air pollution control authority with jurisdiction over the source or the source is under the jurisdiction of the energy facility site evaluation council (EFSEC) registration with the department will not be required. Sources not required to comply with the control regulations, because of their size, may be required to register at a later date.

(2) The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the department, such data as the department may require to calculate the emissions of the source and evaluate the emission control program. The data shall be supplied in a form and according to instructions received from the department or local air pollution control authority. When required, the data shall be submitted not later than sixty days following the request.

(3) A new emission source of volatile organic compounds that must comply with any requirements in section 040, except those exemptions given in subsection (4) of this section, shall register with the department or authority prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this chapter. An opportunity shall be provided for an inspection of the new source prior to its operation.

(4) The emission sources of volatile organic compounds associated with paving applications of cutback asphalt are exempt from the registration and reporting requirements of this section. Reporting requirements on the paving uses and applications of cutback asphalt are covered in subparagraph 040(9). [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-030, filed 5/8/79.]

WAC 173-490-040 Requirements. Sources shall demonstrate compliance with these regulations using the sampling procedures on file with and approved by the department.

(1) Petroleum refineries. (a) These regulations shall apply to all petroleum refineries with a crude oil or feed

stock capacity greater than one million five hundred thousand liters (9,000 bbl) per day.

(b) A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.

(c) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(d) Wastewater separator.

(i) Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of (ii) and (iii).

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(iii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by subparagraph (e) (ii) of this subsection.

(f) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All tanks except as noted in subparagraph (d) of this subsection storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi), but less than 570 mm of Hg (11.1 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in subparagraph (a)(i) of this subsection, or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in subparagraphs (a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subparagraph (4)(b) of this section shall be exempt from the requirements of this subsection.

(3) Gasoline loading terminals.

(a) These regulations shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in subparagraph (c) of this subsection, and comply with the following conditions:

(i) The loading facility shall employ submerged loading or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and operating during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions.

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control

systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) These regulations shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons)

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in subparagraph (4)(d) of this subsection, and transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines.

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subparagraph (5) of this subsection.

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tanks shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All transport tanks shall be submerged filled or bottom loaded.

(ii) The loading of all transport tanks, except those exempted under subparagraph (d) of this subsection, shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from

pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of June, July, August and September, failures of the vapor balance system to comply with these regulations shall require the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used.

(ii) The loading or unloading of the transfer tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall comply with the additional provisions of WAC 173-400-120(4).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I). (a) These regulations shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) Storage tanks. All gasoline storage tanks of the facilities defined in subparagraph (a) of this subsection shall be equipped with submerged fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. Storage tanks required to comply are:

(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in subparagraph (c) of this subsection.

(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of paragraph (b) of this subsection if installed prior to January 1, 1979.

(d) Vapor balance system. The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air.

(6) Surface coaters. The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the uncontrolled emissions of VOC from the coater and dryer would be greater than 270 kg (600 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(7) Open top vapor degreasers. (a) All open top vapor degreasers with a vapor-air interface greater than one square meter (ten square feet) shall comply with the following equipment specifications:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) The vapor level should not drop more than ten centimeters (4 inches) when the workload enters the vapor zone.

(H) Degrease the workload in the vapor zone until condensation ceases.

(I) Spraying operations should be done within the vapor layer.

(J) Hold parts in the degreaser until visually dry.

(K) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(L) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(M) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(8) ConveyORIZED degreasers. (a) All conveyORIZED cold cleaners and conveyORIZED vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation should not exceed twenty cubic meters per minute of square meter (65 cfm per ft.²) of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(9) Cutback asphalt paving.

(a) After June 1, 1981 all paving applications of cutback asphalts are prohibited during the months of June, July, August and September, except as provided for in subparagraph (b) of this subsection.

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F).

(c) The official responsible for the paving use or application of any cutback asphalt shall submit an annual report on the uses of cutback asphalt during the months of June, July, August and September. The report shall be on a form and according to instructions received from the department or local air pollution control authority. The report shall be submitted by November 15 of the year for which it applies. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-040, filed 5/8/79.]

WAC 173-490-070 Schedule of control dates. Emission sources required to meet any conditions in section 040 in this chapter shall comply in a reasonable time, but not later than the following schedule where the numbers are the time in months following acceptance of this regulation, WAC 173-490, by the U.S. Environmental Protection Agency.

	Small Refineries	Large Refineries
(1) Petroleum refineries.		
Notice of Construction	6	2
Contract Let	35	32
Commence Construction	38	35
Complete Construction	60	38
Final Compliance	65	42
(2) Petroleum liquid storage tanks.		
Notice of Construction		2
Contract Let		20
Commence Construction		26
Complete Construction		29
Final Compliance		30
(3) Gasoline loading terminals.		
Notice of Construction		2
Contract Let		6
Commence Construction		8
Complete Construction		11
Final Compliance		12
(4) Bulk gasoline plants.		
Notice of Construction		2
Contract Let		12
Commence Construction		14
Complete Construction		17
Final Compliance		18
(5) Gasoline dispensing facilities.		
	Facility Served Terminals	Primarily By: Plants
Notice of Construction	2	2
Contract Let	6	12
Commence Construction	8	14
Complete Construction	11	17
Final Compliance	12	18

(6) Surface coaters.

	Solventless	Other
Plans Submitted	2	2
Contract Let	6	6
Commence Construction	8	8
Complete Construction	23	11
Final Compliance	24	12

(7) Open top vapor degreasers and conveyORIZED degreasers.

Notice of Construction	2
Contract Let	4
Commence Construction	5
Complete Construction	7
Final Compliance	8

[Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-070, filed 5/8/79.]

WAC 173-490-080 Exceptions. Exceptions to volatile organic compound emission standards and requirements.

(1) Other emission reduction methods may be employed if the source operator demonstrates to the department that they are at least as effective as the required methods.

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this regulation will be required only during the months of June, July, August and September, unless the operation of such devices is required for purposes of occupational health or safety or for the control of toxic substances, malodors, or other regulated pollutants. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-080, filed 5/8/79.]

WAC 173-490-090 New source review. Any new source of VOC emissions with a potential emission rate of one hundred tons per year is required to meet the new source review provisions of WAC 173-400-110. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-090, filed 5/8/79.]

WAC 173-490-120 Compliance schedules. (1) Whenever a source is found to be in violation of the provisions of this chapter, the department may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-120, filed 5/8/79.]

WAC 173-490-130 Regulatory actions. The department or authority may use the regulatory provisions of chapter 70.94 RCW to enforce the provisions of this chapter. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-130, filed 5/8/79.]

WAC 173-490-135 Criminal penalties. Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-135, filed 5/8/79.]

WAC 173-490-140 Appeals. Decisions and orders of the department may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-140, filed 5/8/79.]

WAC 173-490-150 Variance. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Source is any area over which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice.

(2) Variances granted by a local agency board for sources under their jurisdiction will be accepted as variances to this regulation.

(3) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-150, filed 5/8/79.]

Chapter 173-507 WAC

INSTREAM RESOURCES PROTECTION PROGRAM--SNOHOMISH RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 7

WAC

173-507-010	General provision.
173-507-020	Establishment of instream flows.
173-507-030	Surface water source limitations to further consumptive appropriations.
173-507-040	Ground water.
173-507-050	Exemptions.
173-507-060	Future rights.
173-507-070	Enforcement.
173-507-080	Regulation review.

WAC 173-507-010 General provision. These rules apply to surface waters within the Snohomish River Basin, WRIA-7 (see WAC 173-500-040). Chapter

173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-507 WAC. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-010, filed 9/6/79.]

WAC 173-507-020 Establishment of instream flows. (1) Instream flows are established for stream management units with monitoring to take place at certain control stations as follows:

STREAM MANAGEMENT UNIT INFORMATION

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.1330.00 So. Fk. Skykomish River	51.6 28-27-10E	From confluence with N. Fk. Sky- komish River to headwaters.
12.1381.50 Sultan River	5.1 17-28-8E	From mouth to headwaters.
12.1411.00 Skykomish River	25.0 12-27-6E	From mouth to headwaters, ex- cluding So. Fk. Skykomish River and Sultan River.
12.1430.00 No. Fk. Snoqualmie	2.2 26-24-8E	From mouth to headwaters.
12.1445.00 Snoqualmie River	40.0 19-24-8E	From Snoqualmie Falls to head- waters, excluding No. Fork Snoqualmie River.
12.1485.00 Tolt River	8.7 31-26-8E	From mouth to headwaters.
12.1490.00 Snoqualmie River	23.0 9-25-7E	From confluence with Harris Creek to Snoqualmie Falls, excluding Tolt River.
12. Snoqualmie River	2.5 26-27-6E	From mouth to confluence with Harris Creek, including Harris Creek.
12.1554.00 Pilchuck River	1.9 18-28-6E	From mouth to headwaters.
12.1508.00 Snohomish River	20.4 16-27-6E	From influence of mean annual high tide at low base flow levels to confluence with Skykomish River and Snoqualmie River, excluding Pilchuck River.

(2) Instream flows established for the stream management units in WAC 173-507-020(1) are as follows:

INSTREAM FLOWS IN THE SNOHOMISH RIVER BASIN
(in Cubic Feet per Second)

Month	Day	12.1330.00 So.Fk. Skykomish	12.1411.00 Skykomish	12.1430.00 No.Fk* Snoqualmie	No.Fk.** Snoqualmie
Jan.	1	900	2200	260	200
	15	900	2200	260	200
Feb.	1	900	2200	260	200
	15	900	2200	260	200
Mar.	1	900	2200	260	200
	15	900	2200	300	200
Apr.	1	1100	2650	300	200
	15	1250	3250	300	200
May	1	1250	4000	300	200
	15	1250	4900	300	200
June	1	1250	4900	300	200
	15	1250	4900	300	200
July	1	1250	3250	300	200
	15	950	2170	195	140
Aug.	1	650	1450	130	100
	15	450	1000	130	100
Sept.	1	450	1000	130	100
	15	450	1000	130	100
Oct.	1	550	1300	130	130
	15	700	1700	165	165
Nov.	1	900	2200	210	200
	15	900	2200	260	200
Dec.	1	900	2200	260	200
	15	900	2200	260	200

*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

**Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1381.50 Sultan	12.1445.00 Snoqualmie (above Falls)	12.1485.50 Tolt River*	Tolt River**
Jan.	1		1550	280	190
	15		1550	280	190
Feb.	1		1550	280	190
	15		1550	280	190
Mar.	1		1550	280	190
	15		1550	280	190
Apr.	1		1550	280	190
	15		1550	280	190
May	1		1550	280	190
	15		1550	280	190
June	1		1550	280	190
	15		1550	280	165
July	1		1550	280	140
	15		1100	240	120
Aug.	1		770	170	120
	15		600	120	120
Sept.	1		600	120	120
	15		600	120	120
Oct.	1		820	190	185
	15		1100	280	190
Nov.	1		1550	280	190
	15		1550	280	190
Dec.	1		1550	280	190
	15		1550	280	190

*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

**Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1490.00 Snoqualmie	12. Snoqualmie	12.1554.00 Pilchuck R.	12.1508.00 Snohomish
(Carnation) (mouth)					
Jan.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Feb.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Mar.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Apr.	1	2500	2800	300	6000
	15	2500	2800	300	6500
May	1	2500	2800	300	7200
	15	2500	2800	300	8000
June	1	2500	2800	300	8000
	15	2500	2800	300	8000
July	1	1850	2180	220	5700
	15	1300	1550	160	4000
Aug.	1	950	1080	120	2800
	15	700	800	85	2000
Sept.	1	700	800	85	2000
	15	700	800	85	2000
Oct.	1	1050	1200	130	2900
	15	1650	1850	200	4000
Nov.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Dec.	1	2500	2800	300	6000
	15	2500	2800	300	6000

(3) Instream flow hydrographs, as represented in the document entitled "Snohomish River Instream Resource Protection Program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-507-020(2).

(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-507-020(1) through (3).

(5) At such time as the departments of fisheries and/or game and the department of ecology agree that additional stream management units should be defined, other than those specified in WAC 173-507-020(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall set instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-020, filed 9/6/79.]

WAC 173-507-030 Surface water source limitations to further consumptive appropriations. (1) The department, having determined further consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water

source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

LOW FLOW LIMITATIONS

Stream	Limitation	Point of Measurement
Evans Creek, Tributary to Lake Beecher	No diversion when flow drops below 2.0 cfs.	800 ft. So. and 800 ft. east of center of Sec. 7, T. 27 N., R. 6 E.W.M.
Foye Creek Tributary to Riley Slough	No diversion when flows drops below 4.0 cfs.	750 ft. So. and 325 ft. east of N1/4 cor. of Sec. 18, T. 27 N., R. 6 E.W.M.
French Creek, Tributary to Snohomish River	No diversion when flows drops below 0.75 cfs.	125 ft. No. and 1300 ft. west of E1/4 of Sec. 20, T. 28 N., R. 6 E.W.M.
Langlois Creek Tributary to Tolt River	No diversion when flows drops below 3.0 cfs.	1040 ft. No. and 1250 ft. east of SW1/4 cor. of Sec. 22, T. 25 N., R. 7 E.W.M.
Tate Creek, Tributary to No. Fk. Snoqualmie River	No diversion when flow drops below 2.0 cfs.	900 ft. east and 870 ft. No. of W1/4 cor. of Sec. 26, T. 24 N., R. 8 E.W.M.
Tulalip Creek, Tributary to Tulalip Bay	No diversion when flow drops below 2.5 cfs.	1125 ft. west and 125 ft. No. of S1/4 cor. of Sec. 22, T. 30 N., R. 4 E.W.M.
Unnamed Stream (Coon Creek), Tributary to Pilchuck River.	No diversion when flows drops below 1.0 cfs.	480 ft. No. and 240 ft. west of center of Sec. 19, T. 30 N., R. 7 E.W.M.
Unnamed Stream (Coon Creek), tributary to Pilchuck River	One-half of low flow must be bypassed.	800 ft. east and 1100 ft. So. of W1/4 cor. of Sec. 19, R. 30 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Cherry Creek	No diversion when flow drops below 1.0 cfs.	1000 ft. So. and 400 ft. west of NE cor. of Sec. 16, T. 26 N., R. 7 E.W.M.
Unnamed Stream, Tributary to McCoy Creek	No diversion when flow drops below 0.5 cfs.	600 ft. west and 100 ft. No. of SE cor. of Sec. 5, T. 27 N., R. 8 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	No diversion when flow drops below 30.0 cfs.	350 ft. west and 900 ft. No. of SE cor. of Sec. 5, T. 27 N., R. 8 E.W.M.
Unnamed Stream (Solberg Creek), Tributary to Snoqualmie River	No diversion when flow drops below 2.0 cfs.	600 ft. west and 1050 ft. No. of E cor. of Sec. 12, T. 25 N., R. 6 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	One-half of low flow must be bypassed.	500 ft. So. and 1120 ft. east of center Sec. 28, T. 25 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	No diversion when flow falls below 1.0 cfs.	600 ft. No. of E1/4 cor. of Sec. 28, T. 25 N., R. 7 E.W.M.
Wood Creek, Tributary to Snohomish River	No diversion when flow drops below 0.75 cfs.	335 ft. No. and 130 ft. east of S1/4 cor. of Sec. 8, T. 28 N., R. 5 E.W.M.
Woods Creek Tributary to Skykomish River	No diversion when flow drops below 11.0 cfs.	Immediately below confl. of West Fork in SE1/4NW1/4 Sec. 33, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 6.0 cfs.	Immediately above said confl. of West Fork.

Stream	Limitation	Point of Measurement
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	Immediately above confl. of Roesigner Cr. in NE1/4NW1/4 of Sec. 3, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 0.5 cfs.	Roesigner Creek, immediately above said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 5.0 cfs.	West Fork, immediately above said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	West Fork when it crosses the No. line of Sec. 5, T. 28 N., R. 7 E.W.M.
Unnamed Lake (Morris Lake), Tributary to Horseshoe Lake	No diversion when flow drops below 1.0 cfs.	Lake outlet at NE1/4NE1/4 of Sec. 9, T. 25 N., R. 7 E.W.M.

NOTE: Affected stream reaches extend from mouth to headwaters and include all tributaries in the contributing drainage area unless specifically excluded.

(2) The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to futher [further] consumptive appropriation for the periods indicated. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

SURFACE WATER CLOSURES

Stream	Date of Closure	Period of Closure
Griffin Creek, Tributary to Snoqualmie River	9/22/53	All year
Harris Creek, Tributary to Snoqualmie River	1/20/44	All year
Little Pilchuck Creek, Tributary to Pilchuck River	5/6/52	All year
May Creek, Tributary to Wallace River	10/13/53	All year
Patterson Creek, Tributary to Snoqualmie River	2/19/52	All year
Quilceda Creek, Tributary to Ebey Slough	6/10/46	All year
Raging River, Tributary to Snoqualmie River	9/20/51	All year
Unnamed Stream (Bodell Creek), Tributary to Pilchuck River	9/6/51	All year

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-030, filed 9/6/79.]

WAC 173-507-040 Ground water. In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the meaning and intent of this regulation. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-040, filed 9/6/79.]

WAC 173-507-050 Exemptions. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriate, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feed lots, shall be exempt. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-050, filed 9/6/79.]

WAC 173-507-060 Future rights. No right to divert or store public surface waters of the Snohomish WRIA 7 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses, subject to the conditions herein established, may be granted. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-060, filed 9/6/79.]

WAC 173-507-070 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-070, filed 9/6/79.]

WAC 173-507-080 Regulation review. The rules in this chapter shall be reviewed by the department at least once in every five-year period. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-080, filed 9/6/79.]

Chapter 173-508 WAC

INSTREAM RESOURCES PROTECTION PROGRAM--CEDAR-SAMMAMISH BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 8

WAC

173-508-010	Authority.
173-508-020	Purpose.
173-508-030	Closures and instream flows.
173-508-040	Table 1. Cedar-Sammamish Basin - WRIA 8.
173-508-050	Ground water.
173-508-060	Instream flows for the Cedar River.
173-508-070	Future rights.

173-508-080	Exemptions.
173-508-090	Enforcement.
173-508-100	Regulation review.

WAC 173-508-010 Authority. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum water flows and levels), and in accordance with chapter 173-500 WAC (Water resource management program). [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-010, filed 9/6/79. Formerly chapter 173-30 WAC.]

WAC 173-508-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in Lake Washington drainages with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, navigational values, and to preserve water quality. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-020, filed 9/6/79.]

WAC 173-508-030 Closures and instream flows. (1) The department of ecology has determined that additional diversions of water from the Lake Washington drainage system would deplete instream flows and lake levels required to support the uses described in WAC 173-508-020. Therefore, lakes and streams contributing to the Lake Washington drainage above the Hiram M. Chittenden Locks, excluding the Cedar River drainage, shall be closed to further consumptive appropriations. Regulation to protect instream flows in the Cedar River and its tributaries shall be undertaken pursuant to WAC 173-508-060.

(2) WAC 173-508-040—Table 1, includes specific named and unnamed surface water sources in Water Resource Inventory Area 8 with restrictions indicated. All tributaries in the Lake Washington drainage not specifically included in Table 1 are closed. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-030, filed 9/6/79.]

WAC 173-508-040 Table 1. Cedar-Sammamish Basin - WRIA 8.

Stream or Lake	Tributary To	Restriction
(Little) Bear Creek	Sammamish River	Closure
Cedar River (including tributaries)	Lake Washington	Instream Flow Levels
Coal Creek	Lake Washington	Closure
Cottage Lake Creek and tributaries, Bear Creek	Sammamish River	Closure
Evans Creek		Closure
Haller Lake	Thornton Creek	Closure
Issaquah Creek	Sammamish Lake	Closure
N. Fork Issaquah		Closure
E. Fork Issaquah		Closure
Unnamed Stream		Closure
Fifteen Mile Creek		Closure
Holder Creek		Closure
Carey Creek		Closure
Lake Washington	Puget Sound	Closure
Sammamish River	Lake Washington	Closure
Lake Sammamish	Sammamish River	Closure
Tibbetts Creek	Sammamish Lake	Closure
Pine Lake and Unnamed Stream (Pine Lake Creek)	Sammamish Lake	Closure
Laughing Jacobs Creek	Sammamish Lake	Closure

Stream or Lake	Tributary To	Restriction
Larson Lake (including tributaries)	Lake Washington	Closure
Lyon Creek	Lake Washington	Closure
Martha Lake	Swamp Creek	Closure
May Creek	Lake Washington	Closure
McAleer Creek		Closure
Lake Ballinger (McAleer Lake)	Lake Washington	Closure
Mercer Slough	Lake Washington	Closure
Kelsey Creek		Closure
Kinsley Creek		Closure
Mercer Slough Creek		Closure
North Creek	Sammamish River	Closure
Silver Lake		Closure
Pipers Creek	Puget Sound	Closure
Rock Creek	Cedar River	Closure
Swamp Creek	Sammamish River	Closure
Unnamed Springs	Sammamish Lake	Closure
Unnamed Stream (11-26-3E)	Puget Sound	Closure
Unnamed Stream (12-24-5E)	Sammamish Lake	Closure
Unnamed Stream (Jones Creek)	Cedar River	Closure
Unnamed Stream (Juanita Creek)	Lake Washington	Closure
Unnamed Stream (Northrup Creek)	Lake Washington	Closure
Unnamed Stream (Wildcat Creek)	Sammamish River	Closure
Thornton Creek	Lake Washington	Closure

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-040, filed 9/6/79.]

WAC 173-508-050 Ground water. In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-050, filed 9/6/79.]

WAC 173-508-060 Instream flows for the Cedar River. (1) The instream flows established in this section apply to waters of the Cedar River and affect the entire watershed drained by the Cedar River including all tributaries thereto.

(2) Instream flows established in this section shall be measured at the existing U.S. Geological Survey gaging station No. 12.1190.00 on the Cedar River at Renton, Washington.

(3) Except as provided herein (critical year flows), water flows in the Cedar River and tributaries thereto shall, to the extent depletion under existing rights and natural flow conditions permit, be maintained throughout each year at levels which, during the time periods designated, do not fall below the following measurements:

(a) Normal Year Flow

January 1 to June 20:	370 cfs
June 20 to July 15:	Linear decrease from 370 cfs on June 20 to 130 cfs on July 15
July 15 to September 10:	130 cfs
September 10 to September 20:	Linear increase from 130 cfs on September 10 to 200 cfs on September 20
September 20 to October 1:	200 cfs
October 1 to October 10:	Linear increase from 200 cfs on October 1 to 370 cfs on October 10
October 10 to January 1:	370 cfs

Normal year flows must be maintained at all times unless a critical condition is declared by the director. If natural Cedar River flows fall below the 1 in 10 year Cedar River flow frequency, the director, or his designee, may authorize flows below the normal year flows, but not lower than the critical year flow except where a declaration of overriding considerations of public interest is made by the director. All requests to deplete below the established instream flow level will be considered on a case-by-case basis.

(b) Critical Year Flow

January 1 to June 15:	250 cfs
June 15 to July 1:	Linear decrease from 250 cfs on June 15 to 110 cfs on July 1
July 1 to October 1:	110 cfs
October 1 to November 1:	Linear increase from 110 cfs on October 1 to 250 cfs on November 1
November 1 to January 1:	250 cfs

Critical year flows represent flows below which the department believes substantial damage to instream values will occur. Critical year flows are expected to be met unless natural Cedar River flows fall below the one in fifty year Cedar River flow frequency. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-060, filed 9/6/79.]

WAC 173-508-070 Future rights. No water rights to divert or store public surface waters of the Cedar-Sammamish Basin WRIA 8 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses may be granted the provisions of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-070, filed 9/6/79.]

WAC 173-508-080 Exemptions. (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feedlots, shall be exempt from this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-080, filed 9/6/79.]

WAC 173-508-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-090, filed 9/6/79.]

WAC 173-508-100 Regulation review. The rules in this chapter shall be reviewed by the department at least

once in every five year period. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-002 (Order DE 79-9), § 173-508-100, filed 9/6/79.]

**Chapter 173-512 WAC
INSTREAM RESOURCES PROTECTION
PROGRAM--CHAMBERS-CLOVER CREEKS
BASIN
WATER RESOURCE INVENTORY AREA (WRIA) 12**

WAC

- 173-512-010 Authority.
- 173-512-020 Purpose.
- 173-512-030 Surface water closures.
- 173-512-040 Ground water.
- 173-512-050 Future rights.
- 173-512-060 Exemptions.
- 173-512-070 Enforcement.
- 173-512-080 Regulation review.

WAC 173-512-010 Authority. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flow and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program). [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-010, filed 12/12/79.]

WAC 173-512-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Chambers-Clover Creeks drainage basin with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-020, filed 12/12/79.]

WAC 173-512-030 Surface water closures. The department of ecology, having determined that further consumptive appropriations would harmfully impact instream values closes the following streams and lakes in Water Resource Inventory Area 12 to further consumptive appropriations:

SURFACE WATER CLOSURES

<u>Stream or Lake</u>	<u>Tributary To</u>
Chambers Creek and all tributaries, including among others:	Puget Sound
Leach Creek	Chambers Creek
Flett Creek	Chambers Creek
Steilacoom Lake	Chambers Creek
Ponce De Leon Creek	Steilacoom Lake

SURFACE WATER CLOSURES

<u>Stream or Lake</u>	<u>Tributary To</u>
Clover Creek and all tributaries, including among others:	
North Fork Clover Creek	Clover Creek
Spanaway Creek	Clover Creek
Morey Creek	Clover Creek
Spanaway Lake	Spanaway Creek
Tule Lake	Spanaway Creek

Unnamed Stream (Crystal Springs Creek)
including tributaries
Sequalitchew Creek
and all tributaries, including
among others:

Sequalitchew Lake	Sequalitchew Creek
American Lake	Sequalitchew Lake
Murray Creek (and tributaries)	American Lake

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-030, filed 12/12/79.]

WAC 173-512-040 Ground water. In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-040, filed 12/12/79.]

WAC 173-512-050 Future rights. No water rights for consumptive uses of waters from the streams and lakes listed in WAC 173-512-030 shall hereafter be granted. Future rights for nonconsumptive uses may be granted subject to the provisions of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-050, filed 12/12/79.]

WAC 173-512-060 Exemptions. (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Stock watering use, except that related to feed lots, shall be exempt from the surface water closures established in this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-060, filed 12/12/79.]

WAC 173-512-070 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335. [Statutory Authority: Chapters 90.22

and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-070, filed 12/12/79.]

WAC 173-512-080 Regulation review. The rules in this chapter shall be reviewed by the department of ecology at least once in every five year period. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-01-012 (Order 79-23), § 173-512-080, filed 12/12/79.]

Chapter 173-530 WAC
WATER RESOURCES PROGRAM IN THE
KLICKITAT RIVER BASIN, WRIA-30

WAC
173-530-940 Declaration of withdrawal.

WAC 173-530-940 Declaration of withdrawal. The department declares that, after the effective date hereof, the public waters of the Little Klickitat River Basin are withdrawn from further appropriation until November 1, 1981 or until a state water resources management program has been adopted for the Little Klickitat River Basin as provided in chapter 173-500 WAC, whichever occurs first. After the effective date of the regulation for the withdrawal, the department will continue to accept applications for water rights in the basin, as provided in RCW 90.03.250 and 90.44.060; however, no actions of approval or disapproval of these applications shall be made by the department during the time the withdrawal is in effect except as provided for in WAC 173-530-960. [Statutory Authority: RCW 90.54.050. 78-11-039 (Order DE 78-18), § 173-530-940, filed 10/19/78; Order DE 76-7, § 173-530-940, filed 4/14/76.]

Chapter 173-531 WAC
WATER RESOURCE PROGRAM FOR THE JOHN
DAY-MCNARY POOLS REACH OF THE
COLUMBIA RIVER, WRIA 31 AND PARTS OF
WRIAS 32, 33, 36, AND 37

WAC
173-531-010 Purpose.
173-531-020 Definitions.
173-531-030 Existing water rights protected.
173-531-040 Reservation for future irrigation use.
173-531-050 Reservation for municipal use.
173-531-060 Department to develop an instream resource protection program.
173-531-070 Department to review regulation.

WAC 173-531-010 Purpose. This regulation is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter applies to the surface waters in the vicinity of John Day and McNary Pools of the Columbia River and the Lower Snake River. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-010, filed 8/8/78.]

WAC 173-531-020 Definitions. For the purposes of this chapter, the following definitions shall be used.

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

(2) "Reservation" means the designation of specific amounts of the water resources for specific future beneficial uses.

(3) "John Day/McNary Pools Reach," means that part of the Columbia River from John Day Dam upstream to the upper limits of McNary Pool including the upper limits of the pool in the Snake River, the Yakima River, and the Walla Walla River. This reach extends from river mile 216 to river mile 352 of the Columbia River, and includes the lower 10 miles of the Snake River, the lower 6 miles of the Yakima River, and the lower 9 miles of the Walla Walla River. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-020, filed 8/8/78.]

WAC 173-531-030 Existing water rights protected. Nothing in the chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means, including federal reserved rights. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-030, filed 8/8/78.]

WAC 173-531-040 Reservation for future irrigation use. (1) One million three hundred sixty thousand acre-feet per year are hereby reserved from the John Day/McNary Pools reach to provide irrigation water supply for the 340,000 acres of irrigation agriculture that is projected to be developed by the year 2020 using this reach as a source of water. The 340,000 acres includes lands under existing water right permits, pending applications and land for which appropriation applications have not yet been filed.

(2) The priority dates of existing permits and applications covered by the reservation are the dates of original filing of appropriation applications with the department. The priority dates of future filings under the reservation shall be the date of adoption of this regulation as against all other use categories regardless of date of filing.

(3) Waters represented by canceled or relinquished applications and permits will still be considered reserved and may be subsequently filed on by interested appropriators. The reservation of water for irrigation purposes shall expire at such time as the entire reserved amount is developed under certificated water rights unless modified hereafter. The department shall keep account of water rights established under the reservation. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-040, filed 8/8/78.]

WAC 173-531-050 Reservation for municipal use. (1) Twenty-six thousand acre-feet of water per year is reserved from the John Day/McNary Pools reach to provide for future municipal supply needs to the year 2020.

(2) The department shall keep account of water rights established under the municipal supply reservation. The

reservation shall expire when the entire reserved amount is developed under certificated water rights.

(3) The reservation for municipal use does not guarantee any existing or future supply entity a specific quantity of water. Municipal water supply utilities must petition the department for reservation of water, for their particular needs, according to procedures outlined in chapter 173-590 WAC. (Procedures relating to the reservation of water for future public water supply.)

(4) The priority dates of water right filings under the municipal reservation shall be the date of adoption of this regulation, as against all other use categories, regardless of date of filing. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-050, filed 8/8/78.]

WAC 173-531-060 Department to develop an instream resource protection program. (1) The department will develop a program for insuring the future viability of instream resource values of the main stem of the Columbia River and the main stem of the Snake River, including fish, wildlife, recreation, aesthetics, navigation, and hydropower resource values.

(2) The department will consult and cooperate with appropriate state and federal authorities and with the public in development of this program.

(3) The department will prepare a report by March 31, 1979 outlining alternatives and proposing a recommended course of action for protecting instream resources. Appropriate rules shall be proposed for adoption if necessary to implement the program. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-060, filed 8/8/78.]

WAC 173-531-070 Department to review regulation. (1) The department shall review the reservations for future irrigation use and future municipal use every five years after adoption of this management regulation until the reservations expire.

(2) The department will determine whether the reserved quantity should be amended due to changes in economic or environmental conditions or due to changes in public policy.

(3) In reviewing the reservations, the department will evaluate the accounting of water rights established under the reservations as provided in WAC 173-531-040(3) and 173-531-050(2). The department will also evaluate and update the accounts of ground water development and use on lands relating to the reserved waters and reduce the reserved amounts of surface water as may be appropriate. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-070, filed 8/8/78.]

Chapter 173-800 WAC

INTEGRATION OF POLICIES AND PROCEDURES OF SEPA INTO THE PROGRAMS OF THE DEPARTMENT OF ECOLOGY

WAC

173-800-010 through 173-800-910 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 173-800-010 Authority. [Order DE 76-12, § 173-800-010, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-010.
- 173-800-015 Impact of guidelines on the department. [Order DE 76-12, § 173-800-015, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-020 Purpose. [Order DE 76-12, § 173-800-020, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-030.
- 173-800-030 Effect of SEPA. [Order DE 76-12, § 173-800-030, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-040.
- 173-800-035 Integration of SEPA procedures with other departmental operations. [Order DE 76-12, § 173-800-035, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-045.
- 173-800-040 Definitions. [Order DE 76-12, § 173-800-040, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-050 Designation of responsible official. [Order DE 76-12, § 173-800-050, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-050.
- 173-800-060 Timing. [Order DE 76-12, § 173-800-060, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-060.
- 173-800-070 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order DE 76-12, § 173-800-070, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-080 Summary of information which may be required of a private applicant. [Order DE 76-12, § 173-800-080, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-070.
- 173-800-090 No presumption of significance for non-exempt actions. [Order DE 76-12, § 173-800-090, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-100 Categorical exemptions. [Order DE 76-12, § 173-800-100, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-105 Exemptions applicable to other agencies. [Order DE 76-12, § 173-800-105, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-110 Exemptions and non-exemptions specifically applicable to the department. [Order DE 76-12, § 173-800-110, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

- 173-800-120 Exemption for emergency actions. [Order DE 76-12, § 173-100-120 (codified as WAC 173-800-120), filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-140 Sensitive areas. [Order DE 76-12, § 173-800-140, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-080.
- 173-800-145 Use and effect of categorical exemptions. [Order DE 76-12, § 173-800-145, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-150 Lead agency—Responsibilities. [Order DE 76-12, § 173-800-150, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-160 Determination of lead agency—Procedures. [Order DE 76-12, § 173-800-160, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-170 Lead agency designation—Governmental proposals. [Order DE 76-12, § 173-800-170, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-180 Lead agency designation—Proposals involving both private and public construction activity. [Order DE 76-12, § 173-800-180, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-190 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order DE 76-12, § 173-800-190, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-200 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order DE 76-12, § 173-800-200, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-210 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order DE 76-12, § 173-800-210, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-220 Lead agency designation—Specific proposals. [Order DE 76-12, § 173-800-220, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-230 Local agency transfer of lead agency status to a state agency. [Order DE 76-12, § 173-800-230, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-240 Agreements as to lead agency status. [Order DE 76-12, § 173-800-240, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-250 Agreements between agencies as to division of lead agency duties. [Order DE 76-12, § 173-800-250, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-260 Dispute as to lead agency determination—Resolution by CEP. [Order DE 76-12, § 173-800-260, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-270 Assumption of lead agency status by another agency with jurisdiction. [Order DE 76-12, § 173-800-270, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-280 Individuals making SEPA-related determinations. [Order DE 76-12, § 173-800-280, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-300 Environmental checklist. [Order DE 76-12, § 173-800-300, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-310 Environmental checklist procedures. [Order DE 76-12, § 173-800-310, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-320 Threshold determination procedures—Initial review of environmental checklist. [Order DE 76-12, § 173-800-320, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-330 Threshold determination procedures—Information in addition to checklist. [Order DE 76-12, § 173-800-330, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-340 Threshold determination procedures—Negative declarations. [Order DE 76-12, § 173-800-340, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order DE 76-12, § 173-800-345, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-350 Affirmative threshold determination. [Order DE 76-12, § 173-800-350, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-355 Form of declaration of significance/non-significance. [Order DE 76-12, § 173-800-355, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-360 Threshold determination criteria—Application of environmental checklist. [Order DE 76-12, § 173-800-360, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-370 Withdrawal of affirmative threshold determination. [Order DE 76-12, § 173-800-370, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-375 Withdrawal of negative threshold determination. [Order DE 76-12, § 173-800-375, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-380 Threshold determination appeal procedures. [Order DE 76-12, § 173-800-380, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-100.
- 173-800-390 Statute of limitation. [Order DE 76-12, § 173-800-390, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-110.
- 173-800-400 Duty to begin preparation of a draft EIS. [Order DE 76-12, § 173-800-400, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-405 Purpose and function of a draft EIS. [Order DE 76-12, § 173-800-405, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-410 Predraft consultation procedures. [Order DE 76-12, § 173-800-410, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-420 Preparation of EIS by persons outside the lead agency. [Order DE 76-12, § 173-800-420, filed

- 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-425 Organization and style of a draft EIS. [Order DE 76-12, § 173-800-425, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-440 Contents of a draft EIS. [Order DE 76-12, § 173-800-440, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-442 Special considerations regarding contents of an EIS on a non-project action. [Order DE 76-12, § 173-800-442, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-444 List of elements of the environment. [Order DE 76-12, § 173-800-444, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-450 Public awareness of availability of draft EIS. [Order DE 76-12, § 173-800-450, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-460 Specific agencies to which draft EIS shall be sent. [Order DE 76-12, § 173-800-460, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-465 Agencies possessing environmental expertise. [Order DE 76-12, § 173-800-465, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-470 Cost to the public for reproduction of environmental documents. [Order DE 76-12, § 173-800-470, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-480 Public hearing on a proposal—When required. [Order DE 76-12, § 173-800-480, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-485 Public hearing on environmental impact of the proposal. [Order DE 76-12, § 173-800-485, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-490 Public hearing on the proposal—Use of environmental documents. [Order DE 76-12, § 173-800-490, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-495 Preparation of amended or new draft EIS. [Order DE 76-12, § 173-800-495, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-500 Responsibilities of consulted agencies—Local agencies. [Order DE 76-12, § 173-800-500, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order DE 76-12, § 173-800-510, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order DE 76-12, § 173-800-520, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-530 Responsibilities of consulted agencies—When pre-draft consultation has occurred. [Order DE 76-12, § 173-800-530, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-535 Cost of performance of consulted agency responsibilities. [Order DE 76-12, § 173-800-535, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-540 Limitations on responses to consultation. [Order DE 76-12, § 173-800-540, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-545 Effect of no written comment. [Order DE 76-12, § 173-800-545, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-550 Consulted agency coordination. [Order DE 76-12, § 173-800-550, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order DE 76-12, § 173-800-570, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order DE 76-12, § 173-800-580, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-600 Circulation of the final EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order DE 76-12, § 173-800-650, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-660 Use of previously prepared EIS for a different proposed action. [Order DE 76-12, § 173-800-660, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order DE 76-12, § 173-800-690, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-695 Draft and final supplements to a revised EIS. [Order DE 76-12, § 173-800-695, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-710 EIS combined with existing planning and review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-810 Responsibility of agencies—Amendments to this chapter. [Order DE 76-12, § 173-800-810, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-830 Responsibility of agencies—SEPA public information center. [Order DE 76-12, § 173-800-830, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-840 Application of these guidelines to on-going actions. [Order DE 76-12, § 173-800-840, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-910 Severability. [Order DE 76-12, § 173-800-910, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-130.

WAC 173-800-010 through 173-800-910 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 173-801 WAC
DEPARTMENT OF ECOLOGY "SEPA"
GUIDELINES

WAC

173-801-010	Authority.
173-801-020	Adoption by reference.
173-801-030	Purpose.
173-801-040	Effect of SEPA.
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173-801-050	Designation of responsible official.
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173-801-070	Summary of information which may be required of a private applicant.
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173-801-110	Statute of limitation.
173-801-120	Coordination on combined DOE-federal action.
173-801-130	Severability.

WAC 173-801-010 Authority. This chapter is promulgated pursuant to the directives of RCW 43.21C.120 and chapter 197-10 WAC. [Statutory Authority: RCW 43.21C.120, 78-04-090 (Order DE 78-5), § 173-801-010, filed 4/4/78. Formerly WAC 173-800-010.]

WAC 173-801-020 Adoption by reference. The department of ecology hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy and amended by the department of ecology)

WAC 197-10-040:	Definitions.
WAC 197-10-060:	Scope of a proposal and its impacts.
WAC 197-10-160:	No presumption of significance for nonexempt actions.
WAC 197-10-170:	Categorical exemptions.
WAC 197-10-175:	Exemptions and nonexemptions applicable to specific state agencies.
WAC 197-10-180:	Exemptions for emergency actions.
WAC 197-10-190:	Use and effect of categorical exemptions.
WAC 197-10-200:	Lead agency—Responsibilities.
WAC 197-10-203:	Determination of lead agency—Procedures.
WAC 197-10-205:	Lead agency designation—Governmental proposals.
WAC 197-10-210:	Lead agency designation—Proposals involving both private and public construction.
WAC 197-10-215:	Lead agency designation—Private projects for which there is only one agency.
WAC 197-10-220:	Lead agency designation—Private projects, licenses from more than one agency when one is city/county.
WAC 197-10-225:	Lead agency designation—Private projects, license from more than one state agency.
WAC 197-10-230:	Lead agency designation—Specific proposals.
WAC 197-10-235:	Local agency transfer of lead agency status to a state agency.
WAC 197-10-240:	Agreements as to lead agency status.
WAC 197-10-245:	Agreements between agencies as to division of lead agency duties.
WAC 197-10-260:	Dispute as to lead agency determination—resolution by CEP.
WAC 197-10-270:	Assumption of lead agency by another agency with jurisdiction.
WAC 197-10-300:	Threshold determination requirement.
WAC 197-10-305:	Recommended timing for threshold determination.

WAC 197-10-310:	Threshold determination procedures—Environmental checklist.
WAC 197-10-320:	Threshold determination procedures—Initial review of environmental checklist.
WAC 197-10-330:	Threshold determination procedures—Information in addition to checklist.
WAC 197-10-340:	Threshold determination procedures—Negative declarations.
WAC 197-10-345:	Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
WAC 197-10-350:	Affirmative threshold determination.
WAC 197-10-355:	Form of declaration of significance/nonsignificance.
WAC 197-10-360:	Threshold determination criteria—Application of environmental checklist.
WAC 197-10-365:	Environmental checklist.
WAC 197-10-370:	Withdrawal of affirmative threshold determination.
WAC 197-10-375:	Withdrawal of negative threshold determination.
WAC 197-10-390:	Effect of threshold determination by lead agency.
WAC 197-10-400:	Duty to begin preparation of a draft EIS.
WAC 197-10-405:	Purpose and function of a draft EIS.
WAC 197-10-410:	Pre-draft consultation procedures.
WAC 197-10-420:	Preparation of EIS by persons outside the lead agency.
WAC 197-10-425:	Organization and style of a draft EIS.
WAC 197-10-440:	Contents of a draft EIS.
WAC 197-10-442:	Special considerations regarding contents of an EIS on a nonproject action.
WAC 197-10-444:	List of elements of the environment.
WAC 197-10-446:	Draft EIS—Optional additional elements.
WAC 197-10-450:	Public awareness of availability of draft EIS.
WAC 197-10-455:	Circulation of the draft EIS—Review period.
WAC 197-10-460:	Specific agencies to which draft EIS shall be sent.
WAC 197-10-465:	Agencies possessing environmental expertise.
WAC 197-10-470:	Cost to the public for reproduction of environmental documents.
WAC 197-10-480:	Public hearing on a proposal—When required.
WAC 197-10-485:	Notice of public hearing on environmental impact of the proposal.
WAC 197-10-490:	Public hearing on the proposal—Use of environmental documents.
WAC 197-10-495:	Preparation of amended or new draft EIS.
WAC 197-10-500:	Responsibilities of consulted agencies—Local agencies.
WAC 197-10-510:	Responsibilities of consulted agencies—State agencies with jurisdiction.
WAC 197-10-520:	Responsibilities of consulted agencies—State agencies with environmental expertise.
WAC 197-10-530:	Responsibilities of consulted agencies—When pre-draft consultation has occurred.
WAC 197-10-535:	Cost of performance of consulted agency responsibilities.
WAC 197-10-540:	Limitations on responses to consultation.
WAC 197-10-545:	Effect of no written comment.
WAC 197-10-550:	Preparation of the final EIS—Time period allowed.
WAC 197-10-570:	Preparation of final EIS—When no critical comments received on the draft EIS.
WAC 197-10-580:	Preparation of the final EIS—Contents—When critical comments received on draft EIS.
WAC 197-10-600:	Circulation of the final EIS.
WAC 197-10-650:	Effect of an adequate final EIS prepared pursuant to NEPA.
WAC 197-10-652:	Supplementation by a lead agency of an inadequate final NEPA EIS.
WAC 197-10-660:	Use of previously prepared EIS for a different proposed action.
WAC 197-10-690:	Use of a lead agency's EIS by other acting agencies for the same proposal.
WAC 197-10-695:	Draft and final supplements to a revised EIS.

- WAC 197-10-700: No action for seven days after publication of the final EIS.
- WAC 197-10-710: EIS combined with existing planning and review processes.
- WAC 197-10-831: Responsibilities of Agencies—SEPA public information.
- WAC 197-10-840: Application of agency guidelines to ongoing actions.

[Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-020, filed 4/4/78.]

WAC 173-801-030 Purpose. (1) The purpose of this chapter is to implement the state-wide guidelines (chapter 197-10 WAC) established by the council on environmental policy as they apply to actions of the department of ecology.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department of ecology to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-030, filed 4/4/78. Formerly WAC 173-800-020.]

WAC 173-801-040 Effect of SEPA. The state environmental policy act provides additional standards for departmental decision-making for all activities which may have an impact on the environment. The processes of the state environmental policy act, including but not limited to detailed statement requirements, are aimed at making more informed decisions, and toward projects with greater public and environmental acceptability. The process should foster mutual communication, understanding and cooperation among applicants, governmental agencies and citizens. All reasonable alternatives and mitigative/compensatory measures should be explored. [Statutory Authority: RCW 43.21C.120. 78-04-090

(Order DE 78-5), § 173-801-040, filed 4/4/78. Formerly WAC 173-800-030.]

WAC 173-801-045 Integration of SEPA procedures with other departmental operations. To the fullest extent possible, the department of ecology shall integrate the procedures required by these guidelines with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-045, filed 4/4/78. Formerly WAC 173-800-035.]

WAC 173-801-050 Designation of responsible official. (1) Within the department of ecology, the ultimate responsible official is the director. Normally, the operational responsibility shall be delegated to levels no lower than a supervisor of a regional office branch or a division supervisor. When significant interdivisional involvements occur, consideration shall be given to establishing the next higher official common to involved supervisors as the responsible official. When the convergence or responsibility is higher than the assistant director level, the responsible official shall be designated by the deputy director.

(2) The identity of the responsible official should be established as soon as possible, ideally at the preapplication (or for department actions—preproject formulation) stage. The first department contact person should make a recommendation to his/her supervisor in order that a preliminary determination be made. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-050, filed 4/4/78. Formerly WAC 173-800-050.]

WAC 173-801-060 Timing. (1) The department shall integrate SEPA into its normal processes in such a way that no undue delays are caused by SEPA compliance. The purposes of SEPA are best served by consideration of environmental factors early in the preplanning stages.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The environmental checklist should normally be completed when an application is found to be nonexempt. In order to conserve time and avoid misunderstandings, the first agency contact person should make the "action" and "exemption" determinations and assist the applicant in completing the checklist. If exempt status is questionable, a checklist should be completed and the supervisor consulted. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-060, filed 4/4/78. Formerly WAC 173-800-060.]

WAC 173-801-070 Summary of information which may be required of a private applicant. (1) There are three areas of these guidelines where the department

may require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini EIS" at this stage.

(3) Threshold determination. The responsible official shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, he determines as a result of its initial review that the information available is not reasonably sufficient to determine the environmental impacts of the proposal, he may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the responsible official, information accessible to him is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

- (4) Draft and final EIS.

(a) The department shall normally prepare its own draft and final impact statements. In so doing, it may require the applicant to provide information not in the possession of the department. This may include a requirement that the applicant conduct specific investigations.

The applicant shall not be required to provide information reasonably available from other agencies with expertise. The applicant shall not be unduly burdened financially, however, in the interest of efficiency, the applicant is encouraged to provide as much information as he desires.

(b) The situation may arise in which the department, because of its commitments, is unable to prepare the draft and/or final EIS on a local agency transfer. In this case, the applicant shall be provided a letter outlining the situation and will be provided the option of the following impact statement preparation method:

- (i) Applicant posts a mutually agreed upon bond with the department.
- (ii) The department retains a mutually agreed upon and independent outside party to prepare the document.
- (iii) The outside party prepares the document under the supervision of the department responsible official.

(iv) The outside party is paid from the posted bond. The applicant is provided an itemized accounting and the remaining balance of the bond.

(c) Private applicants shall be encouraged to cooperate in the impact statement preparation process. The results of a cooperative effort can be a better, more acceptable project, and a more expeditious handling of the application. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-070, filed 4/4/78. Formerly WAC 173-800-080.]

WAC 173-801-080 Sensitive areas. In its actions, the department shall respect "environmentally sensitive areas" and their modified exemption criteria which have been adopted and displayed by local governments pursuant to WAC 197-10-177. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-080, filed 4/4/78. Formerly WAC 173-800-140.]

WAC 173-801-090 Individuals making SEPA-related determinations. Within the department, the following officials are designated the responsibility of determinations under SEPA; "action" and "exemption" decisions may be made by the first departmental official contacted; all responsibilities transferred to the department from CEP shall be handled by the Environmental Review Section; all other SEPA-related determinations are designated the responsibility of the responsible official. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-090, filed 4/4/78. Formerly WAC 173-800-280.]

WAC 173-801-100 Threshold determination appeal procedures. (1) In the event that the threshold determination results in a written appeal within fifteen calendar days from date of issuance, the following procedures shall be followed:

(a) The responsible official shall review his decision with particular emphasis on the areas of appeal. He may request further information of the applicant. The decision of the responsible official shall be in writing with copies to the project file, the applicant, and the protestor.

(b) If deemed fit, the responsible official may bring the appeal to the deputy director. The resulting decision shall be final and circulated as in (a) above.

(2) The responsible official should attempt to act upon an appeal within one week of receipt. If more time is required, the applicant should be advised in writing of the anticipated schedule. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-100, filed 4/4/78. Formerly 173-800-380.]

WAC 173-801-110 Statute of limitation. The responsible official should examine the option of following the procedures of RCW 43.21C.080, 43.21C.085, and 43.21C.087 to qualify for the statute of limitations concerning SEPA compliance. This procedure is activated by the actual execution of the subject action (i.e., issuance of permit or approval). [Statutory Authority: RCW

43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-110, filed 4/4/78. Formerly WAC 173-800-390.]

WAC 173-801-120 Coordination on combined DOE-federal action. When the department is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-120, filed 4/4/78.]

WAC 173-801-130 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-130, filed 4/4/78. Formerly WAC 173-800-910.]

Chapter 173-805 WAC

MODEL ORDINANCE FOR USE IN INTEGRATION OF SEPA GUIDELINES

WAC

173-805-020	Adoption by reference.
173-805-030	Additional definitions.
173-805-070	Lead agency determination and responsibilities.
173-805-120	(Optional) SEPA public information center.
173-805-121	Responsibility of agencies--SEPA public information.
173-805-125	Repealed.
173-805-130	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-805-125	Regional SEPA public information center. [Order DE 76-13, § 173-805-125, filed 6/8/76.] Repealed by 78-04-091 (Order DE 78-6), filed 4/4/78; Statutory Authority: RCW 43.21C.130.
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WAC 173-805-020 Adoption by reference. The city/county hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy) and amended by the state of Washington, department of ecology

WAC 197-10-040:	Definitions.
WAC 197-10-060:	Scope of a proposal and its impacts.
WAC 197-10-160:	No presumption of significance for nonexempt actions.
WAC 197-10-170:	Categorical exemptions.
WAC 197-10-175:	Exemptions and nonexemptions applicable to specific state agencies.
WAC 197-10-180:	Exemptions for emergency actions.
WAC 197-10-200:	Lead agency--Responsibilities.
WAC 197-10-203:	Determination of lead agency--Procedures.
WAC 197-10-205:	Lead agency designation--Governmental proposals.
WAC 197-10-210:	Lead agency designation--Proposals involving both private and public construction.
WAC 197-10-215:	Lead agency designation--Private projects for which there is only one agency.
WAC 197-10-220:	Lead agency designation--Private projects, licenses from more than one agency when one is city/county.

WAC 197-10-225:	Lead agency designation--Private projects, license from more than one state agency.
WAC 197-10-230:	Lead agency designation--Specific proposals.
WAC 197-10-235:	Local agency transfer of lead agency status to a state agency.
WAC 197-10-240:	Agreements as to lead agency status.
WAC 197-10-245:	Agreements between agencies as to division of lead agency duties.
WAC 197-10-260:	Dispute as to lead agency determination--Resolution by CEP.
WAC 197-10-270:	Assumption of lead agency by another agency with jurisdiction.
WAC 197-10-300:	Threshold determination requirement.
WAC 197-10-305:	Recommended timing for threshold determination.
WAC 197-10-310:	Threshold determination procedures--Environmental checklist.
WAC 197-10-320:	Threshold determination procedures--Initial review of environmental checklist.
WAC 197-10-330:	Threshold determination procedures--Information in addition to checklist.
WAC 197-10-340:	Threshold determination procedures--Negative declarations.
WAC 197-10-345:	Assumption of lead agency status by another agency with jurisdiction--Prerequisites, effect and form of notice.
WAC 197-10-350:	Affirmative threshold determinations.
WAC 197-10-355:	Form of declaration of significance/nonsignificance.
WAC 197-10-360:	Threshold determination criteria--Application of environmental checklist.
WAC 197-10-365:	Environmental checklist.
WAC 197-10-370:	Withdrawal of affirmative threshold determination.
WAC 197-10-375:	Withdrawal of negative threshold determination.
WAC 197-10-390:	Effect of threshold determination by lead agency.
WAC 197-10-400:	Duty to begin preparation of a draft EIS.
WAC 197-10-410:	Pre-draft consultation procedures.
WAC 197-10-425:	Organization and style of a draft EIS.
WAC 197-10-440:	Contents of a draft EIS.
WAC 197-10-442:	Special considerations regarding contents of an EIS.
WAC 197-10-444:	List of elements of the environment.
WAC 197-10-450:	Public awareness of availability of draft EIS.
WAC 197-10-455:	Circulation of the draft EIS--Review period.
WAC 197-10-460:	Specific agencies to which draft EIS shall be sent.
WAC 197-10-465:	Agencies possessing environmental expertise.
WAC 197-10-470:	Costs to the public for reproduction of environmental documents.
WAC 197-10-480:	Public hearing on a proposal--When required.
WAC 197-10-485:	Notice of public hearing on environmental impact of the proposal.
WAC 197-10-490:	Public hearing on the proposal--Use of environmental document.
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WAC 197-10-520:	Responsibilities of consulted agencies--State agencies with environmental expertise.
WAC 197-10-530:	Responsibilities of consulted agencies--When pre-draft consultation has occurred.
WAC 197-10-535:	Cost of performance of consulted agency responsibilities.
WAC 197-10-540:	Limitations on responses to consultation.
WAC 197-10-545:	Effect of no written comment.
WAC 197-10-550:	Preparation of the final EIS--Time period allowed.
WAC 197-10-570:	Preparation of final EIS--When no critical comments received on the draft EIS.
WAC 197-10-580:	Preparation of the final EIS--Contents--When critical comments received on draft EIS.

- WAC 197-10-600: Circulation of the final EIS.
- WAC 197-10-650: Effect of an adequate final EIS prepared pursuant to NEPA.
- WAC 197-10-652: Supplementation by a lead agency of an inadequate final NEPA EIS.
- WAC 197-10-660: Use of previously prepared EIS for a different proposed action.
- WAC 197-10-690: Use of a lead agency's EIS by other acting agencies for the same proposal.
- WAC 197-10-695: Draft and final supplements to a revised EIS.
- WAC 197-10-700: No action for seven days after publication of the final EIS.
- WAC 197-10-710: EIS combined with existing planning and review processes.
- WAC 197-10-831: Responsibilities of agencies—SEPA public information.
- WAC 197-10-840: Application of agency guidelines to ongoing actions.

[Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-020, filed 4/4/78; Order DE 76-13, § 173-805-020, filed 6/8/76.]

WAC 173-805-030 Additional definitions. In addition to those definitions contained within WAC 197-10-040, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.

(2) "SEPA Guidelines" means chapter 197-10 WAC adopted by the council on environmental policy and amended by the department of ecology. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-030, filed 4/4/78; Order DE 76-13, § 173-805-030, filed 6/8/76.]

WAC 173-805-070 Lead agency determination and responsibilities. (1) Any department within the city/county receiving or initiating a proposal any portion of which involves a major action, shall determine the lead agency for that proposal pursuant to the criteria set forth in section WAC 197-10-205 through 197-10-270, using the procedures of WAC 197-10-203. This determination shall be made for each proposal involving a major action unless the lead agency has been previously determined, or the department is aware that another department or agency is in the process of determining the lead agency.

NOTE: A lead agency must be an agency with jurisdiction.

(2) In those instances in which the city/county is the lead agency, the responsible official of the city/county shall supervise compliance with the threshold determination, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.

(3) In those instances in which the city/county is not the lead agency under the criteria of WAC 197-10-205 through 197-10-270, all departments of the city/county, subject to the limitations of WAC 197-10-390, 197-10-660, and 197-10-690 shall utilize and consider as appropriate either the declaration of nonsignificance or the

final EIS of the lead agency in conjunction with the decisions of the city/county on the proposal. In such instances, no city/county department shall prepare or require preparation of a declaration of nonsignificance or EIS in addition to that prepared by the lead agency.

(4) In the event that the city/county or any department thereof receives a lead agency determination made by another agency which does not appear to be in accord with the criteria of WAC 197-10-205 through 197-10-245 it may object thereto. Any such objection must be made and resolved within fifteen days of receipt of the determination, or the city/county must petition the department of ecology for a lead agency determination pursuant to WAC 197-10-260 within the fifteen day time period. Any such petition on behalf of the city/county shall be initiated by -----.

(5) Departments of the city/county are authorized to make agreements as to lead agency status pursuant to WAC 197-10-240 and 197-10-245: *Provided*, That any such agreement involving assumption of lead agency status by the city/county will first be approved by the responsible official for the city/county and that any department which will incur responsibilities as a result of any such agreement will approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to ascertain which other agencies have jurisdiction over the proposal. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-070, filed 4/4/78; Order DE 76-13, § 173-805-070, filed 6/8/76.]

WAC 173-805-120 (Optional) SEPA public information center. (1) The following location constitutes the city's/county's SEPA public information center:

Telephone: () -----

(2) All reasonable means will be used to make the existence and location of the city's/county's SEPA public information center known to both the public generally and the employees of the city/county.

(3) The SEPA public information center shall contain the documents and provide the services required by WAC 197-10-830. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-120, filed 4/4/78; Order DE 76-13, § 173-805-120, filed 6/8/76.]

WAC 173-805-121 Responsibility of agencies--SEPA public information. All documents required by the SEPA guidelines (chapter 197-10 WAC) shall be retained by the city/county and made available in accordance with chapter 42.17 RCW. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-121, filed 4/4/78.]

WAC 173-805-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-805-130 Fees. (This section is completely optional, and any or none of the following subsections may be used, or municipalities may wish to substitute their own provisions.)

The following fees shall be required for actions by the city/county in accordance with the provisions of this ordinance:

(1) **Threshold Determination**—For every environmental assessment to be performed by the city/county when the city/county is lead agency a fee of (\$50.00) shall be required of the proponent of the proposal. This fee shall be collected prior to undertaking the threshold determination, and the time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.

(2) **Environmental Impact Statements**—

(a) For all proposals requiring an EIS for which the city/county is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the city/county, the city/county may charge and collect a reasonable fee from any applicant to cover costs incurred by the city/county in the preparation of an EIS. If it is determined that an EIS is required, applicants shall be advised of projected costs of the statement prior to actual preparation and shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of environmental documents for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals. Applicants may be required to post bond or otherwise insure payment of such costs.

(c) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a) and (b) of this subsection which were collected for costs not incurred.

(3) No fee shall be collected by the city/county for performing its duties as a consulted agency.

(Note: The SEPA guidelines prohibit fees by consulted agencies.)

(4) (Optional—Use this procedure only if the SEPA public information center is retained). The SEPA public information center of the city/county is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

(5) The city/county may charge any person for copies of any document prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by chapter 42.17 RCW. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-130, filed 4/4/78; Order DE 76-13, § 173-805-130, filed 6/8/76.]

Title 174 WAC

THE EVERGREEN STATE COLLEGE

Chapters

174-104	Regular and special meetings of the Board of Trustees.
174-116	Campus parking and traffic regulations.
174-124	Social contract among the members of the community of The Evergreen State College—Community code of conduct.
174-126	Use of human subjects.
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174-136	Use of college facilities.
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Chapter 174-104 WAC

REGULAR AND SPECIAL MEETINGS OF THE BOARD OF TRUSTEES

WAC

174-104-010 Regular meetings.

WAC 174-104-010 Regular meetings. A regular meeting of the Board of Trustees shall be held once each month unless dispensed with by the Board of Trustees, on the campus of The Evergreen State College beginning at 10:30 a.m. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the Friday immediately following such second Thursday. [Statutory Authority: RCW 28B.40.120(11). 78-05-008 (Order 78-1, Resolution Motion 78-7), § 174-104-010, filed 4/7/78; Order 72-3, § 174-104-010, filed 10/27/72.]

Chapter 174-116 WAC

CAMPUS PARKING AND TRAFFIC REGULATIONS

WAC

174-116-150 Violation, penalty, impounding.

WAC 174-116-150 Violation, penalty, impounding. (1) Violators of these traffic regulations, other than parking regulations, will be notified by issuance of violation tickets. The college will not assess fines.

(2) Vehicles which violate the parking permit requirements of WAC 174-116-105 and those which park in no parking areas, marked service accesses, roadways, loading docks and brick-paved and other prohibited areas will be impounded in place on the second violation within the academic quarter, provided, however, that during the first week of each Fall Quarter, no vehicle will be impounded for lack of a valid parking permit.

Upon impoundment in place, an impound device shall be attached and an "Impound Notice" will be placed on the violating vehicle instructing the driver to pay a \$5.00