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(2) All requests made in person may be made at the office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 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;

(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 designee 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 should be received by the office 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 office may in its discretion fill requests made by telephone. [Statutory Authority: RCW 43.200.070. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-060, filed 6/22/84.]

**WAC 335-06-070 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 office shall charge a reasonable fee, determined from time to time by the board, for providing copies of public records and for use of the office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the office 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 board. When other special copy work for nonstandard items is requested, the fee charged will reflect the actual costs incident to such copying. [Statutory Authority: RCW 43.200.070. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-070, filed 6/22/84.]

**WAC 335-06-080 Statement of reason for denial of public records request.** When the office 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 43.200.070. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-080, filed 6/22/84.]

**WAC 335-06-090 Reviews of denial of public records request.** Upon denial of a request for inspection of a public record, in whole or in part, the public records officer or other staff member denying the request shall refer the denial to the program director or his designee for review. The program director or designee shall immediately review the denial and either affirm or reverse the denial. Such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of review. The final decision shall be sent to the person requesting inspection promptly following the decision. [Statutory Authority: RCW 43.200.070. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-090, filed 6/22/84.]

**WAC 335-06-100 Protection of public records.** In order to adequately protect the public records of the board, the following guidelines shall be adhered to by any person inspecting such public records:

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

(2) Inspection of any public record shall be conducted in the presence of a designated office 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 office personnel, unless other arrangements are made with the public records officer or designee. [Statutory Authority: RCW 43.200.070. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-100, filed 6/22/84.]

## Title 344 WAC OIL AND GAS CONSERVATION COMMITTEE

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**WAC 344-12-015 Rule making.** Notice of the intent to and the adoption of rules and regulations and their effective date shall be as provided in chapter 34.04 RCW, and RCW 78.52.050. An oral hearing shall be held for proposed rules and regulations. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-015, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-015, filed 6/1/82; Rule 2, filed 3/23/60.]

**WAC 344-12-030 Hearings—Place of—Continuances—Action on.** (1) Hearings shall be held in Olympia, Washington unless otherwise ordered by the chairman. After notice of hearing is once given, the hearing may be continued to another day and from day to day and place to place by order of the committee.

(2) Except as otherwise provided by law, upon receipt of a proper request or application for hearing, the committee shall, if in its judgment a hearing is warranted and justifiable, promptly call a hearing, and after such hearing and with all convenient speed, and in any event within twenty days after the conclusion of the hearing, shall take action with regard to the subject matter thereof. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-030, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-030, filed 6/1/82; Rule 5, filed 3/23/60.]

**WAC 344-12-035 Administrative agent.** The department of natural resources is the designated agent of the committee for the purpose of carrying out the Oil and Gas Conservation Act. It shall be charged with the duty of administering and enforcing this act consistent with the policies adopted by the committee. It shall administer and enforce the policies adopted by the committee together with all rules and orders adopted and

delegated by the committee including but not limited to issuing permits, enforcement action, and other activity authorized under this chapter. The department shall designate a state oil and gas supervisor. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-035, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-035, filed 6/1/82; Rule 6, filed 3/23/60.]

**WAC 344-12-040 Definitions.** Unless context otherwise requires, the words defined shall have the meaning set forth in RCW 78.52.010 and in the following definitions when found in these rules and regulations, to wit:

(1) "Barrel" means 42 United States gallons of oil at a temperature of 60 degrees Fahrenheit at atmospheric pressure.

(2) "Blowout" means an uncontrolled sudden or violent escape of oil, water, gas, or drilling fluid from a well.

(3) "Blowout preventer" means an effective casing-head control equipped with special gates, rams, and expansion type preventer which can be closed around the drill pipe, or which completely closes the top of the casing when the pipe is withdrawn.

(4) "Bottom-hole pressure" means the pressure in pounds per square inch or bars at the producing interval of an oil or gas well determined by means generally recognized as satisfactory by the oil and gas industry.

(5) "Casing pressure" means the pressure built up between the casing and tubing when the casing and tubing are packed off at the top of the well, or the pressure within the casing.

(6) "Casinghead gas" means any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil.

(7) "Christmas tree" means an assembly of valves and fittings at the head of the casing of a well to control the flow. Also spoken of as "well-head connections."

(8) "Condensate" means the liquid hydrocarbons recovered at the surface that result from condensation due to reduced pressure or temperature of petroleum hydrocarbons existing in a gaseous phase in the reservoir.

(9) "Cubic foot of gas" means the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be 14.73 pounds per square inch absolute and the standard temperature base shall be 60 degrees Fahrenheit. Conversions of values to conform with standard conditions shall be made in accordance with Ideal Gas Laws, corrected for deviation from Boyle's Gas Law when the pressure at the point of measurement is in excess of 200 psi gauge.

(10) "Day" means a period of twenty-four consecutive hours from 7:00 a.m. one day to 7:00 a.m. the following day.

(11) "Gas allowable" means the amount of natural gas authorized to be produced by order of the committee.

(12) "Gas lift" means any method of lifting liquid to the surface by injecting gas into the wellbore from which production is obtained.

(13) "Gas-oil ratio" means the relation of the gas in cubic feet to the production of oil in barrels, measured concurrently for a limited period; i.e. the number of cubic feet of gas as produced, divided by the number of barrels of oil as produced.

(14) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves (Regulation of public ground waters, chapter 90.44 RCW).

(15) "Month and calendar month" means the period or interval of time from 7:00 a.m. on the first day of any month of the calendar to 7:00 a.m. of the first day of the next succeeding month of the calendar.

(16) "Offset operator" means the operator, owner, or lessee of land contiguous to or cornering on land involved in oil and gas activities.

(17) "Oil allowable" means the amount of oil authorized to be produced by order of the committee.

(18) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind, and any governmental or political subdivision, or any agency thereof including any local state or federal government agency.

(19) "Pressure maintenance" means the introduction of gas or fluid to maintain the pressure of a reservoir.

(20) "Producer" means the owner or operator of a well or wells capable of producing oil or gas, or both.

(21) "Product" has the meaning set forth in RCW 78.52.010(18). It includes but is not limited to refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, propane, butane, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas.

(22) "Purchaser" means any person who acquires title to oil or gas by purchase from a producer or other person.

(23) "Reasonable market demand" as to oil, means the amount of oil reasonably needed for current consumption and use, together with a reasonable amount of oil for storage and working stock; and as to gas, the term means the amount of gas of any type reasonably needed to supply the current consumption and use of such type of gas.

(24) "Reservoir pressure" means the static or stabilized pressure in pounds per square inch gauge existing at the face of the formation in one or more oil or gas wells as determined by commonly accepted engineering principles.

(25) "Separator" means an accepted field apparatus used in the industry for separating oil, gas, water, etc., with efficiency as it is produced.

(26) "Shut in pressure" means the surface pressure noted at the well head after the well is completely shut in.

(27) "State" means the state of Washington.

(28) "String" means a continuous length of connected sections of casing, liner, drill pipe, or tubing run into the well, including all attached equipment.

(29) "Surface water" means standing or free flowing fresh water at or above the ground surface, including springs, seeps, intermittent or perennial streams or creeks, rivers, lakes, ponds or wetlands.

(30) "Tender" means a permit or certificate of clearance, approved and issued or registered under the authority of the committee, for the transportation of oil, gas, or products.

(31) "Transporter" means and include any person engaged in the transportation of oil or gas.

(32) "Underground source of drinking water (USDW)" means ground waters which contain fewer than 10,000 mg/L of total dissolved solids or which are obtainable for beneficial uses.

(33) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

(34) "Well history" or "well record" means the chronological written record of all operations, including formation tests, water shut-off tests, description of water, oil, or gas encountered in drilling a well, chemical composition and quantities of materials used in the drilling or treating of a well, with such additional information as to gas volumes, pressures, rate of fill-up, water depths, casing strata, casing record, etc., as is usually recorded in the normal procedure of drilling.

(35) "Well log" means a systematic, detailed, and correct record of formations encountered in drilling a well, and shall include all electric, radioactivity, and other logs, if run.

(36) "Wetlands" means those areas extending landward for two hundred feet (61 meters) in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas and floodplains associated with or influenced by any stream, river, lake, or tidal water, or combination thereof. [Statutory Authority: RCW 78.52-.050, 85-03-018 (Order 6, Resolution No. 10), § 344-12-040, filed 1/8/85. Statutory Authority: RCW 78.52-.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-040, filed 6/1/82; Rule 7, filed 3/23/60.]

**WAC 344-12-045 Development units.** As determined by competent geological, geophysical, engineering, or other scientific testimony, data, and evidence, the committee shall fix development units for the pool:

(1) No development unit in pool, deemed by the committee to be an oil reservoir, shall be larger than 160 acres (65 hectares) nor shall the well be located closer

than 500 feet (152 meters) to the lease line nor closer than 1,000 feet (305 meters) to the nearest well drilling to or capable of producing from the same pool. The committee shall have the right to waive these limits in accordance with RCW 78.52.210.

(2) No development unit in a pool, deemed by the committee to be a gas reservoir, shall be larger than 640 acres (261 hectares) nor shall the well be located closer than 1,000 feet (305 meters) to the lease line nor closer than 2,000 feet (610 meters) to the nearest well drilling to or capable of producing from the sale pool. The committee shall have the right to waive these limits in accordance with RCW 78.52.210.

(3) If upon application, and after notice and hearing, the committee shall find that a well drilled at the location prescribed by any applicable rule of the committee would not produce in paying quantities or that surface conditions would substantially add to the burden or hazard of such well, the committee may enter an order permitting the well to be drilled at a location on which the applicant prima facie owns an ownership or contractual right to drill, other than that prescribed and shall include in such order suitable provisions to prevent the production from that well of more than its just and equitable share of the oil and gas in the pool. Application for an exception shall set forth the names of the lessees or owners of contiguous or cornering properties and shall be accompanied by a plat or sketch map drawn to the scale of not smaller than one inch equalling 2,000 feet (610 meters) or as otherwise required, accurately showing to scale the property for which the exception is sought and accurately showing to scale all other completed and drilling wells on this property and accurately showing to scale all contiguous or cornering surrounding properties and wells. The application shall be verified by some person acquainted with the facts, stating that all facts therein stated are within the knowledge of the affiant and are true, and that the accompanying plat is accurately drawn to scale and correctly reflects pertinent and required data. Upon the filing of such application, the committee shall give notice of such filing by certified mail to all lessees and owners of lands towards whom the well is being moved, if closer to the proposed well than offset distances set forth in subsections (1) and (2) of this section.

(4) In filing a Form-1 (Application to drill, redrill, or deepen), the surface distance must be shown between the proposed location and other wells within a radius of 1,000 feet (305 meters) for oil tests, and 3,000 feet (914 meters) for gas tests.

(5) When a well completion report, Form-2, has been submitted to the department, and such well is not intended to be plugged or abandoned the department shall determine if a discovery has been made. The department shall forward its determination to the committee. If the department or the committee has determined a discovery has occurred the committee shall hold a hearing pursuant to RCW 78.52.205. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-045, filed 1/8/85. Statutory Authority: RCW

78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-045, filed 6/1/82.]

## DRILLING

**WAC 344-12-050 Application to drill, redrill, or deepen (Form-1).** (1) A person desiring to drill, redrill, or deepen a well in search of oil or gas shall for each such well:

- (a) Apply to the supervisor of such intent on Form-1;
  - (b) Submit a completed environmental checklist;
  - (c) Provide information on drill site layout, blowout prevention equipment details, mud program, casing and cementing program, and mud pit details;
  - (d) Designate location and source of water supply;
  - (e) Indicate topographic features of well site including drainage patterns, and any associated surface waters and wetlands;
  - (f) Provide a narrative statement describing the proposed measures to be taken for protection of the environment, including, but not limited to, the prevention or control of:
    - (i) Fires;
    - (ii) Soil erosion;
    - (iii) Pollution of surface and ground waters;
    - (iv) Damage to fish and wildlife or other natural resources;
    - (v) Air and noise pollution; and
    - (vi) Hazards to public health and safety;
  - (g) Provide such other pertinent information or data which the supervisor may require to support the application for the development of oil and gas resources and the protection of the environment including site reclamation procedures;
  - (h) Designate methods and site for disposal of waste materials and drilling muds that contain heavy metals or are considered hazardous waste;
    - (i) Notify the surface landowner, the landowners tenant, or other surface users in writing with a copy to the supervisor;
    - (j) Shall pay a fee, which is not refundable, in the following amounts for each application:
      - (i) For each well the estimated depth of which is three thousand five hundred feet or less, two hundred fifty dollars;
      - (ii) From three thousand five hundred one feet to seven thousand feet, five hundred dollars;
      - (iii) From seven thousand one feet to twelve thousand feet, seven hundred fifty dollars; and
      - (iv) From twelve thousand one feet and deeper, one thousand dollars.
- The fee shall accompany the application and be in cash or check, drawn upon or issued by a Washington state qualified public depository payable to state treasurer, state of Washington. Upon receipt of the application, the fee, and other specified information, the supervisor may issue to such person a permit to drill, after completion of an inspection of the proposed drill site, unless the drilling of the well is contrary to law, or to a rule, regulation, or order of the committee. The drilling

of the well is prohibited until a permit to drill is obtained in accordance with the provisions of this section. If the permit is disallowed, the supervisor will immediately notify the person in writing the reasons therefor. The permit will be on such form containing such conditions as the committee may prescribe.

(2) An operator shall be required to obtain a permit to deepen a well. The fee, which is based on the estimated depth of the well as per subsection (1)(j) of this section, is required for the permit to deepen a well previously drilled under permit. No permit is required for workover so long as the well remains completed in the same pool, provided the casing above the fresh-water shut-off depth is not to be disturbed or altered by the redrilling, conditioning, or testing to be performed.

(3) A permit, for which a fee of one hundred dollars is required, shall be obtained for a relatively shallow well or wells (less than 2,000 feet) (610 meters) not drilled in search of oil and gas but solely to obtain subsurface geological data: *Provided*, That holes drilled for the purpose of obtaining information about or sampling of the offshore beds of ocean waters shall be governed by chapter 344-16 and 173-15 WAC. Applications for a permit for a shallow well or wells shall comply with the provisions of subsection (1) of this section.

(4) A blanket permit, for which a fee of one hundred dollars is required, shall be obtained for the shot holes necessary to conduct a seismic geophysical investigation of structure and stratigraphy. The application for such blanket permit shall contain information on the general location of the investigative work, the approximate number and depth of shot holes, an environmental checklist, the type and quantity of explosives to be used, and such other information as the supervisor may require.

(5) A copy of each application received shall be transmitted by the supervisor within ten days to the department of ecology, department of social and health services, and general purpose local governments of the jurisdiction in which the proposed activity would occur or in the case of a city or a town a well proposed within a three mile radius of its municipal boundaries and other affected agencies as deemed necessary by the supervisor.

(6) A person shall not be issued a permit unless that person holds an ownership or contractual right to locate and operate a drilling operation upon the proposed drilling site.

(7) Designated representatives of general purpose local governments are requested to inform the supervisor in writing within ten working days of those local government zoning ordinances, permit requirements, or other factors, if any, which may apply to a well proposed to be drilled, redrilled, or deepened. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-050, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-050, filed 6/1/82; § 8, Resolution 3 (codified as WAC 344-12-050(3)) filed 6/28/63; Rule 8 (codified as WAC 344-12-050 (1), (2), and (4)), filed 3/23/60.]

**WAC 344-12-060 Bond to be furnished.** (1) The supervisor, except as hereinafter provided, shall require from the owner before a permit for drilling, redrilling, or deepening will be issued a good and sufficient bond in the sum of not less than \$50,000.00 for each well payable to the state of Washington, conditioned on compliance with chapter 78.52 RCW, permit conditions, the rules and regulations and orders of the committee. Said bond shall remain in force and effect until the plugging of said well is approved by the supervisor and all laws, permit conditions, rules and regulations and orders have been complied with. It is provided, however, that any owner in lieu of such bond may file with the supervisor a good and sufficient blanket bond in the principal sum of not less than \$250,000.00 covering all wells drilling or to be drilled.

(2) Bond or bonds herein required shall be executed by the owner as principal and by a surety company acceptable to the DNR and authorized to do business in the state of Washington as surety. Should the surety on such bond fail or refuse to require compliance with the conditions of the bond to the satisfaction of the supervisor, such surety shall be liable to the state of Washington in such a sum, within the limits of the sum stated on the face of the bond, as will indemnify the state of Washington for the cost of requiring compliance with the conditions of the bond.

(3) In lieu of the bond required by this section the owner may file with the committee a cash deposit, or an assignment of a savings account or of a certificate of deposit in a Washington bank on an assignment form prescribed by the committee. In the event a certificate of deposit is provided in lieu of a bond the owner shall guarantee payment of principal in the event penalties are assessed for early redemption of the certificate.

(4) The amount of the bond to be furnished for permits required under WAC 344-12-050(3) shall be \$20,000.00. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-060, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-060, filed 6/1/82; Rule 10, filed 3/23/60.]

**WAC 344-12-070 Well history or record and well log (Form-2).** (1) During the drilling, redrilling, or deepening of any well, except seismic, that penetrates into the bedrock below the unconsolidated surficial cover, the owner, operator, contractor, driller, or other person responsible for the conduct of the drilling operations shall keep at the well, or at his headquarters in the state, or otherwise conveniently available to the supervisor, a detailed and accurate record of the drilling operations and a log of the strata drilled, reduced to writing from day to day, which shall be accessible to the committee and its agents at all reasonable times. A copy of the well history or record and a copy of the well log shall be furnished to the supervisor upon Form-2, prescribed by the committee, within thirty days after the completion or abandonment of the well. The well history or record shall describe the progress of drilling, the water,

oil, or gas encountered, and such additional information as to gas volumes, pressures, rate of fill-up, water depths, casing record, shooting, perforating, chemical treatment, general chemical composition, and volumes used of drilling mud, description and results of water-shut-off tests, casing tests, drill-pipe packer tests, and other tests, as are usually recorded in the normal procedure of drilling. The well log shall progressively describe the strata and formations encountered. In the drilling of exploratory wells, a ditch sample shall be collected at ten-foot intervals for the state and furnished to the supervisor within six months after completion of the well as a dry hole or as a producing well. In the drilling of wells within development units, a ditch sample shall be collected as directed by the supervisor and furnished to the supervisor after completion of the well as a dry hole or as a producing well. Any electrical or radioactivity logging or surveying of the well shall also be recorded and a copy furnished the supervisor within six months after completion. A detailed description of lithology shall be furnished to the supervisor within thirty days after completion or abandonment of any exploratory or wildcat well.

(2) All well histories, and records, well logs, ditch samples, results of directional surveys, and other reports submitted under this rule shall be kept confidential by the committee for a period of one year from date of filing if the well is a "wildcat" or "exploratory well" and if the operator so requests. (See RCW 78.52.260.) [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-070, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-070, filed 6/1/82; Rule 12, filed 3/23/60.]

**WAC 344-12-080 Sealing off strata.** (1) All underground sources of drinking water of present or potential future use for domestic, municipal, commercial, stock, or agricultural purposes shall be confined to their respective strata and shall be adequately protected.

(2) All oil, gas, and underground sources of drinking water above and below the producing horizon shall be sealed or separated in order to prevent their contents from passing into another stratum. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-080, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-080, filed 6/1/82; Rule 14, filed 3/23/60.]

**WAC 344-12-087 Well casing--Cementing.** (1) The owner shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to:

(a) Prevent release of fluids from any stratum through the wellbore (directly or indirectly) into any waters of the state;

(b) Prevent commingling between separate hydrocarbon-bearing strata and intermingling between hydrocarbon and underground sources of drinking water, and between separate water-bearing strata;

(c) Prevent contamination of potential fresh water strata, gas, or oil zones;

(d) Support unconsolidated sediments; and

(e) Otherwise provide a means of control of the formation pressures and fluids.

The owner shall install casing of sufficient strength and size to provide optimum well control while drilling and to assure safe operations for the life of the well.

(2) Conductor casing. Conductor casing shall be set before drilling into shallow formations known to contain oil or gas, if unknown, upon encountering such formation.

(3) Surface casing. Surface casing holes shall be logged with an induction electric log, or equivalent, prior to running surface casing.

(4) Cementing of casing. Conductor and surface casing strings shall be cemented with sufficient cement to fill the annular space from the shoe to surface. Production casing shall be cemented in a manner necessary to exclude, isolate, or segregate overlying formation fluids from the oil or gas zone and to prevent the movement of fluids into potential underground source of drinking water.

A temperature or cement bond log may be required by the supervisor if an unsatisfactory cementing job is indicated.

(5) Pressure testing. Prior to drilling out the casing shoe after cementing, all casing strings set to a depth of 500 feet (152 meters) or less except for conductor casing, shall be pressure tested to a minimum pressure of 500 psi (35 bars). Casing strings set to a depth of 500 feet (152 meters) or greater shall be pressure tested to a minimum pressure of 1,000 psi (69 bars) or 0.2 psi/ft (0.045 bars/meter) whichever is greater. Such test shall not exceed the rated working pressure of the casing or the blowout preventer stack assembly, whichever is less.

Unless otherwise provided by specific order of the supervisor for a particular well or wells or for a particular pool or parts thereof, cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch (21 bars): *Provided, however,* That no further operation shall be commenced until the cement has been in place for at least eight hours. The term "under pressure" as used herein shall be complied with if one float valve is used or if pressure is otherwise held.

All casing pressure tests shall be recorded in the driller's log. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-087, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-087, filed 6/1/82. Formerly WAC 344-12-085.]

**WAC 344-12-098 Drilling fluid.** The properties, use, and testing of drilling fluids and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to insure well control shall be maintained in the field area readily accessible for use at all times.

(1) Drilling fluid control. Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The hole shall be kept reasonably full at all times. Proper techniques shall be utilized when necessary to maintain mud characteristics for well control and hole conditioning. The conditions herein shall not apply when drilling with air or aerated fluids.

(2) Drilling fluid testing. Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations, with mud, occurring below the shoe of the conductor casing:

(a) High-low level mud pit indicator including a visual and audio-warning device, if applicable.

(b) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known by the supervisor to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

(c) Degassers shall be required if applicable, and below 7,500 feet (2286 meters) or in areas of known high pressure desilters and desanders if required for solids control. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-098, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-098, filed 6/1/82.]

**WAC 344-12-112 Agents to have access to all wells, well records, witness tests or well production.** All operators of oil and gas exploratory and producing wells are required to permit the agents of the supervisor and the committee to witness all tests that may be required by the supervisor on any and all wells. The agents of the supervisor shall have access to all well records, and shall be permitted to come upon any lease or property to inspect any and all wells and to witness gauging of production therefrom at all times. All such information, at the moment obtained, shall be presumed to have been required, filed, and requested to be kept confidential within the meaning of RCW 78.52.260, and shall by all such persons so obtaining such information, be reported only to the supervisor and the committee, and shall be kept confidential in the same manner as provided in RCW 78.52.260 and WAC 344-12-070(2). [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-112, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-112, filed 6/1/82. Formerly WAC 344-12-120.]

**WAC 344-12-125 Notice of intention to abandon and plug (Form-3).** (1) The owner or operator shall not permit any well drilled for oil, gas, salt-water disposal, injection or any other purpose in connection with the exploration or production of oil and gas, to remain unplugged, except as otherwise provided in WAC 344-12-140, after such well is no longer to be used for the purpose for which it was drilled or converted.

(2) Before any work is commenced to abandon any well drilled for oil or gas, including any well drilled below the underground source of drinking water, the owner or operator thereof shall, prior to beginning operations of plugging the well, give notice to the supervisor or his representative of his intention to abandon such well, such notice shall be written, on Form-3 (Notice of intention to abandon and plug well), except that it shall be permissible to give oral notice followed within 24 hours by written confirmation on Form-3. Upon receipt of such notice, the supervisor or his duly authorized representative may elect to be present at the time indicated in such notice, to witness the plugging of the well. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-125, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-125, filed 6/1/82; Rule 23, filed 3/23/60.]

**WAC 344-12-131 Procedure for plugging.** Each abandoned well drilled for the discovery of oil or gas or for any other purpose related to the exploration including seismic and core holes or production of oil and gas shall be plugged by or on behalf of the owner, operator, or producer who is in charge of the well or wells and responsible therefor. In general, cement plugs will be placed across specified intervals to protect oil and gas zones, to prevent degradation of potentially usable waters; and to protect surface conditions. Subject to approval of the supervisor, cement may be mixed with or replaced by other substances with adequate physical properties. The owner shall submit the proposed method and procedure for plugging to the supervisor on Form-3 (Notice of intention to abandon and plug well). Unless otherwise approved by the supervisor the method and procedure shall be as follows:

(1) Hole fluid. Drilling fluid having the proper weight and consistency to prevent movement of other fluids into the wellbore shall be placed in all intervals not plugged with cement, and shall be surface poured into all open annuli where required.

(2) Plugging by bailer. Placing of a cement plug by bailer shall not be permitted at a depth greater than 3,000 feet (914 meters). Water is the only permissible hole fluid in which a cement plug shall be placed by bailer.

(3) Surface pours. A surface cement-pour shall be permitted in an empty hole with a diameter of not less than 5 inches (12.7 centimeters). Depth limitations shall be determined on an individual well basis by the supervisor.

(4) Blowout prevention equipment. Blowout prevention equipment may be required during plugging and abandonment operations. Any blowout prevention equipment and inspection requirements deemed necessary by the supervisor shall appear on the approval issued by the supervisor.

(5) Junk in hole. Diligent effort shall be made to recover junk when such junk may prevent proper abandonment either in open hole or inside casing. In the event that junk cannot be removed from the hole and

freshwater-saltwater contacts or oil or gas zones penetrated below cannot therefore be properly abandoned, cement shall be down-squeezed through or past the junk or a 100-foot (30-meter) cement plug shall be placed on top of the junk.

(6) A cement plug not less than 25 feet (7.6 meters) shall be placed in the hole and all annuli at the surface. All well casing shall be cut off at least 5 feet (1.5 meters) below the surface of the ground.

(7) Open hole.

(a) A cement plug shall be placed to extend from the total depth or at least 100 feet (30 meters) below the bottom of each oil or gas zone, whichever is less, to at least 100 feet (30 meters) above the top of each zone.

(b) A minimum 200-foot (61-meter) cement plug shall be placed across all underground source of drinking water-saltwater interfaces.

(c) An interface plug may be placed wholly within a thick shale if such shale separates the freshwater sands from the brackish or saltwater sands.

(d) The hole may be filled between plugs up to the base of the surface string, if this reaches below the freshwater zone, with approved heavy mud.

(8) Cased hole.

(a) All perforations shall be plugged with cement, and the plug shall extend 100 feet (30 meters) above the top of a landed liner, the uppermost perforations, the casing cementing point, or water shut-off holes, whichever is highest.

(b) If there is cement behind the casing across the underground source of drinking water-saltwater interface, a 100-foot (30-meter) cement plug shall be placed inside the casing across the interface.

(c) If the top of the cement behind the casing is below the top of the highest saltwater sands, squeeze-cementing shall be required through perforations to protect the underground source of drinking water. In addition, a 100-foot (30-meter) cement plug shall be placed inside the casing across the underground source of drinking water-saltwater interface. Notwithstanding other provisions of this section, the supervisor may approve a cavity shot followed by cementing operations at the base of the underground source of drinking water sands. The cavity shall be filled with cement and capped with a cement plug extending 100 feet (30 meters) above the cavity shot.

(9) Special requirements.

(a) Where geologic or ground water conditions dictate, special plugging procedures shall be required to prevent contamination of potentially usable waters by downward percolation of poor quality waters, and to separate water zones of varying quality, or varying hydrostatic pressure, and to isolate dry permeable strata that are brought into hydraulic continuity with ground water aquifers.

(b) The supervisor may set forth other plugging and abandonment requirements or may establish field rules for the plugging and abandonment of wells. Such cases include, but are limited to:

(i) The plugging of a high-pressure saltwater zone.

(ii) Perforating and squeeze-cementing previously uncemented casing within and above a hydrocarbon zone.

(10) In all holes open below the casing shoe, a cement plug shall extend from at least 50 feet (15 meters) below to at least 50 feet (15 meters) above the shoe of any cemented casing. If the hole cannot be cleaned out to 50 feet (15 meters) below the shoe, a 100-foot (30-meter) cement plug shall be placed as deep as possible.

(11) A steel plate at least one-quarter inch (0.64 centimeter) thick shall be welded to the top of the surface string of casing. The steel plate shall bear the drilling permit number and date of abandonment.

(12) Within thirty days after plugging of any well, the owner, operator, or producer responsible therefor who plugged or caused to be plugged the well shall file with the supervisor an affidavit on Form-4 (report on results of plugging well) setting forth in detail the method used in plugging the well.

(13) Inspection of plugging and abandonment operations. All plugging and abandonment operations shall be witnessed and approved as deemed necessary by the supervisor. [Statutory Authority: RCW 78.52.050, 85-03-018 (Order 6, Resolution No. 10), § 344-12-131, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-131, filed 6/1/82. Formerly WAC 344-12-130.]

**WAC 344-12-140 Wells used for underground source of drinking water.** When the well to be plugged may safely be used as an underground source of drinking water well and such utilization is desired by the landowner and is authorized by the operator, the cement plug normally required at the top of the surface casing may be waived, and the well need not be filled above the required sealing plug set below underground source of drinking water: *Provided*, That written authority for such conversion is supplied by the landowner and authorization is obtained by the landowner from the state department of ecology and filed with the supervisor. Approval by the supervisor of the plugging accomplished or notice from the department of ecology of approval of the landowner's authorization as provided herein shall relieve the operator of further responsibility under the Oil and Gas Conservation Act and the supervisor shall release the bond once a water well has been satisfactorily completed. [Statutory Authority: RCW 78.52.050, 85-03-018 (Order 6, Resolution No. 10), § 344-12-140, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-140, filed 6/1/82; Rule 26, filed 3/23/60.]

## PRODUCTION

**WAC 344-12-205 Tubing.** Each flowing well shall be produced through tubing and shall be equipped with a master valve; however, a multiple completion is permissible when the production from each zone is kept separate. [Statutory Authority: RCW 78.52.050, 85-03-



018 (Order 6, Resolution No. 10), § 344-12-205, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-205, filed 6/1/82.]

**WAC 344-12-230 Notification of fire, breaks, leaks, or blowouts.** All persons controlling or operating any oil and gas wells, or receiving tanks, storage tanks, or receiving and storage receptacles into which crude oil is produced, received, or stored, shall make all reasonable efforts to immediately notify the supervisor by telephone followed by a letter giving full details concerning all fires which occur at such oil or gas wells or tanks or receptacles on their property, and all such persons shall make all reasonable efforts to immediately report all tanks or receptacles struck by lightning and any other fire which destroys oil or gas, and shall make all reasonable efforts to immediately report any breaks, blowouts, or leaks in or from tanks or receptacles and gathering pipe lines from which oil or gas is escaping or has escaped. In all such reports of fires, breaks, leaks, or escapes, or other accidents of this nature, the location of the well, tank receptacle, or line break shall be given by section, township, range, and property so that the exact location thereof can be readily located on the ground. Such report shall likewise specify what steps have been taken or are in progress to remedy the situation reported and shall detail the quantity of oil or gas lost, destroyed, or permitted to escape. In case any tank or receptacle is permitted to run over, the escape thus occurring shall be reported as in the case of a leak. The report hereby required as to oil losses shall be necessary only in case such oil loss exceeds ten barrels in the aggregate. Compliance with this section does not relieve such persons from taking appropriate action and reporting oil or chemical spills or leaks as required by chapter 90.48 RCW and other applicable state and federal laws. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-230, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-230, filed 6/1/82.]

**WAC 344-12-235 Producing from different strata through the same casing string.** No well shall be permitted to produce either oil or gas from different strata through the same string of casing without first receiving written permission from the committee. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-235, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-235, filed 6/1/82.]

**WAC 344-12-245 Determining and naming pools.** Wells shall be classified as to the pool from which they produce, and pools shall be determined by the committee and named by the supervisor: *Provided*, That in the event any person is dissatisfied with any such classification or determination, an application may be made to the committee for such reclassification or determination

as the applicant deems proper, and the committee will hear and determine the same. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-245, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-245, filed 6/1/82.]

**WAC 344-12-260 Disposing of unwanted fluids encountered in oil and gas drilling and production.** Prior to disposing of unwanted fluids the operator shall identify geological formations to be used, maximum bottom hole pressure in pounds per square inch or bars and maximum rate of injection in barrels of liquid per day or cubic feet of gas per day, detailed identification of materials to be injected, including additives, filters, if any, the entire casing and cementing record of the wells to be used for injection, packers, and any special downhole equipment, certification that the mechanical integrity of the well has been tested, and facilities or systems to protect the integrity of geological target formation or to prevent fracturing of the confining strata. Prior to injection, the operator shall notify the supervisor. On acceptance of a completed permit application by the supervisor, the Washington department of ecology shall review, evaluate, and act upon the application in accordance with the rules of WAC 173-218-060. The applicant shall have approval to operate when the Washington department of ecology has approved the permit. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-260, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-260, filed 6/1/82.]

**WAC 344-12-262 Underground injection control.** Injection of any fluids to enhance recovery of oil or gas or for storage of liquid hydrocarbons is prohibited until such time as an application is made to do so. At that time the oil and gas conservation committee will promulgate rules and regulations that will conform with the underground injection control (UIC) program, chapter 173-218 WAC, which implement portions of the Safe Drinking Water Act (Public Law 93-523 as amended by Public Law 96-502). [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-262, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-262, filed 6/1/82.]

**WAC 344-12-265 Gas well open flow potential test.** Initial potential tests may be reported on forms furnished by the supervisor using the "one-point" method with a 45 degree slope for the plot. After a market is obtained and a pipe line is connected to the well, upon request of the supervisor, an operator shall make a "four-point" potential test and report on forms furnished by the supervisor. To establish comparable open flow capacity the "four-point" back pressure flows shall be taken in sequence from low to high flow. In the event the supervisor approves an alternate method of testing,

all wells producing from a pool shall be tested in a uniform and comparable manner. In a like manner all natural gas wells hereafter completed shall be tested and the potential test reported. Where it has been determined that a natural gas well in any pool has a potential of 400,000 cubic feet per day or less, further potential tests shall not be required provided the operator periodically reports the shut-in pressure of the well. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-265, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-265, filed 6/1/82.]

**WAC 344-12-275 Gas to be metered.** (1) Meters. All gas when produced or sold shall be metered with an approved meter of sufficient capacity, provided that gas may be metered from a lease or unitized property as a whole if it is shown that ratable taking can be maintained.

(2) Meter charts and records. Purchasers shall keep, in a permanent file, for a period of at least two years, meter charts and records on gas purchased, and such information shall be made available to the supervisor.

(3) Bypasses. Bypasses shall not be connected around meters in such manner as to permit the improper taking of gas. [Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-275, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-275, filed 6/1/82.]

### Chapter 344-18 WAC

#### GUIDELINES INTERPRETING AND IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

##### WAC

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**WAC 344-18-010 Authority.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules). [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-010, filed 1/7/85.]

**WAC 344-18-020 Adoption by reference.** Except as modified by this chapter, the committee adopts the SEPA rules, chapter 197-11 WAC, adopted by the Washington department of ecology as modified or

amended from time to time. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-020, filed 1/7/85.]

**WAC 344-18-030 Purpose.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the committee. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-030, filed 1/7/85.]

**WAC 344-18-040 Additional definitions.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) Commissioner means the commissioner of public lands who is the administrator of the department of natural resources as established by chapter 43.30 RCW.

(2) Committee means the oil and gas conservation committee.

(3) Department means the Washington state department of natural resources, acting solely as the designated agent of the committee, subject to the direction and control of the committee. All functions carried out under these rules by the department shall be considered those of the committee. Such functions may be directly performed by the committee.

(4) Environmental coordinator means the person who coordinates SEPA compliance procedures for the department and the committee.

(5) Supervisor means the state oil and gas supervisor who is designated by the department and is charged with duties as may be delegated by the department. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-040, filed 1/7/85.]

**WAC 344-18-055 Timing of the SEPA process.** (1) Distribution to planning commissions and advisory bodies. Environmental documents required to be submitted to the department of ecology under provisions of WAC 197-11-508 will also be submitted to affected planning commissions and similar advisory bodies within the respective time frames as established by these rules and chapter 197-11 WAC.

(2) Timing of review of proposals. Environmental review will be made upon receipt of a completed license application and environmental checklist.

(3) Additional timing considerations.

(a) Department staff receiving a license application will determine whether the proposal is an "action" and if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the staff person will ask the applicant to complete an environmental checklist. A checklist is not needed if the department and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(b) If an action is a decision on a license which requires detailed project plans and specifications, the department shall provide, upon request by the applicant, preliminary environmental review prior to submittal of

detailed plans and specifications. This preliminary review will be advisory only and not binding on the department. Final review and determination will be made only upon receipt of detailed project plans and specifications if these are essential to a meaningful environmental analysis. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-055, filed 1/7/85.]

**WAC 344-18-350 Mitigated DNS.** (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
- (b) Follow submission of a license application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
- (c) Precede the department's actual threshold determination for the proposal.

(2) The responsible official or designee shall respond to the request; the response shall:

- (a) Be written;
- (b) State whether the department is considering issuance of a DS;
- (c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal.

(a) If the department's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The department or the committee may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarification or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a license for all purposes, including enforcement of the license. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-350, filed 1/7/85.]

**WAC 344-18-420 EIS preparation.** For draft and final EISs and SEISs:

(1) Normally, the department will prepare EISs for its own proposals.

(2) For applicant proposals, the department normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of these rules and chapter 197-11 WAC.

(3) The department may require an applicant to provide information that the department does not possess, including specific investigations. The applicant is not required to supply information that is not required under these rules. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-420, filed 1/7/85.]

**WAC 344-18-504 Availability and costs of environmental documents.** (1) SEPA documents required by these rules shall be retained by the department at the department's SEPA public information center.

(2) The department shall make copies of environmental documents available in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to the department. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-504, filed 1/7/85.]

**WAC 344-18-510 Public notice requirements.** (1) The department shall give public notice when issuing a

DNS under WAC 197-11-340(2), a mitigated DNS under WAC 344-18-350, a scoping notice under WAC 344-18-360, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the department shall integrate the public notice required under this section with existing notice procedures for the required license.

(3) The department shall use one or more of the following reasonable methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the license, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notifying persons or groups who have expressed interest in the proposal, in the type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property.

(4) The department may require an applicant to perform the public notice requirement at his or her expense. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-510, filed 1/7/85.]

**WAC 344-18-665 Policies for conditioning or denying licenses.** (1) Policies - General. The committee adopts by reference policies of the State Environmental Policy Act as expressed in RCW 43.21C.020.

(2) Policies - Specific. The committee and the department recognize the need to protect the public from oil and gas drilling effects such as but not limited to the contamination of the ground water, the surface water, the possibility of a blowout, fire hazards, drilling fluids contamination, and surface disturbance. The decision-maker may, when necessary, condition any license to mitigate specific adverse environmental impacts identified in an environmental document on a proposal. The decisionmaker may deny a license for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and denial is consistent with the oil and gas conservation act, the State Environmental Policy Act, and the public interest. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-665, filed 1/7/85.]

**WAC 344-18-910 Designation of responsible official.** (1) The responsible official for any action taken by the committee or department in connection with the implementation of chapter 78.52 RCW shall be the supervisor. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-910, filed 1/7/85.]

**WAC 344-18-950 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. 85-03-016 (Order 5, Resolution No. 9), § 344-18-950, filed 1/7/85.]

## Title 352 WAC

### PARKS AND RECREATION COMMISSION

#### Chapters

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#### Chapter 352-04 WAC

### POLICY--MEETINGS, DELEGATIONS, AND LAND ACQUISITION

#### WAC

352-04-010 Duties of chairperson and conduct of meetings.

**WAC 352-04-010 Duties of chairperson and conduct of meetings.** (1) The chairperson shall call and preside at all regular or special meetings.

(2) The duties of the vice chairperson shall be to preside at all regular or special meetings in the absence of the chairperson. In addition, the vice chairperson shall serve as chairperson upon the resignation, death, or incapacitation for any reason of the chairperson, and shall so serve until the next regular election, or until the chairperson is again able to serve, whichever shall first occur.

(3) The secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall sign such minutes when transcribed and approved by the commission. In addition, the secretary shall succeed to the offices of vice chairperson or chairperson in the same manner and under the same conditions as set forth above for the vice chairperson.

(4) Eight regular meetings shall be held each calendar year, commencing at 9:00 a.m., on the third Friday of each month in which a meeting is to be held, unless otherwise called by the chairperson or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission during the last regular meeting of each calendar year, and will be published